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LOCAL GOVERNMENT AND THE COLONIES

BY RITA HINDEN

PLAN FOR AFRICA

EMPIRE AND AFTER

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EDITED BY RITA HINDEN

FABIAN COLONIAL ESSAYS

CO-OPERATION IN THE COLONIES

LOCAL GOVERNMENT AND THE COLONIES

EDITED BY
RITA HINDEN

A REPORT TO THE FABIAN COLONIAL BUREAU



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EDITOR'S NOTE

LOCAL GOVERNMENT is not a subject to stir the pulses. The very words conjure up a picture of prosaic, rather dreary, matters —sewerage systems, wash-houses, gas-works. There is no glamour attaching to any of these, no limelight for the ambitious politician. It is not surprising, therefore, that in the Colonies where so much of politics centres around the struggle for national independence, local government should have tended to be a rather neglected sphere, of whose problems most people remain ignorant and unaware. Yet anyone with any understanding of how a modern State works must know that it can only function if there exists a machine whereby the day-to-day services, which assure to every citizen the common decencies of life, are carried on smoothly in even the smallest township and village.

We in Britain have long been aware of the essential necessity for an effective local government apparatus, and of the need for people to be educated in the problems local government presents. This awareness is spreading to thought on colonial problems, but up till now extraordinarily little—if anything—of a comprehensive nature has been published on this subject, outside of government reports and despatches. In particular, there has been little (apart from the practical work of District Officers) to bring this question home, fairly, to the politically-conscious among the colonial peoples.

This book, then, is an attempt to collect some of the facts and to put the problem into focus. Its limitations, in dealing with the thousand and one detailed problems arising, are only too well known to us. There is still very little on which to draw—the whole movement towards the creation of a modern local government system in the Colonies is very recent (in Africa it hardly began before the 1930s), and it has barely started to draw forth its historians, recorders and critics. With so little information assembled, a comprehensive presentation of the facts would in itself deserve a full-length volume, quite apart from a study of the emerging problems. And if the problems are to be intelligently appraised, a survey of the patterns and traditions of colonial societies should go with it, because it is a mistake to imagine that the system of local government which has sprung out of the needs of one community can be transplanted into other communities with different backgrounds. Throughout this book

we are conscious of a tendency in ourselves to look at colonial problems through English spectacles; we have not been able to deal, as the social anthropologist would, with the structure of the societies to which these ideas are to be applied. We can only hope that the mere fact of a book on this subject being published will itself stimulate interest and perhaps provide the inspiration for others—particularly for scholars from the Colonies who are better able to approach these problems from the colonial angle—to pursue some of the intricate problems which we throw out for discussion.

Part One of the book discusses the broad aspects of local government—its growth and structure in Britain, and its application in the Colonies, with a hint at the problems involved. In Part Two the situation in eight individual territories is described—two West Indian Colonies, one West African, two East African, and one Central African have been chosen; also Mauritius, as an example of the many scattered island Colonies which fit into none of the usual patterns. In addition, we have described the local government system in the Anglo-Egyptian Sudan, although this territory is not strictly a Colony, because it shares the features of many of the African Colonies, but has a different history and is governed by a different administration, so that suggestive comparisons may emerge. Part Three attempts to draw together the threads of the earlier sections and to set out the problems arising, with a few suggestions as to how they might be tackled.

Like many other Fabian publications, this book is the composite work of a number of people, and it is not always easy to demarcate the exact contribution made by each. Professor T. S. Simey, of the Department of Social Science, Liverpool University, who spent a few years in the West Indies as Social Welfare Adviser to the Comptroller of Development, has been particularly generous in drafting for us the first two very important introductory chapters. The detailed material on the individual territories was written up by Miss H. Allison, whose draft chapters were then sent out to the individual territories with which they dealt, for comment, correction, and first-hand criticism, by knowledgeable friends on the spot who for the most part prefer to remain anonymous. We are greatly indebted to Mr. T. H. B. Mynors, of the School of Administration, Gordon College, Khartoum, for many ideas, and we owe an all-round obligation to Mr. L. Hill, formerly Secretary of the National Association of Local Government Officers, and now of Exeter University College for his help in collating the material and putting some order in it.

These few names by no means exhaust the list of those who have advised at various stages of this work. It emerges, then, as the product of many brains and diverse experience. It has fallen to my lot to edit the book as a whole, and I can only express the hope that those who read it will find their interest in local government and the part it is destined to play in the Colonies as keenly roused as my own has been.

RITA HINDEN
October, 1948

Fabian Colonial Bureau
11 Dartmouth Street
S.W.1.

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PART ONE

THE BROAD ASPECTS OF LOCAL GOVERNMENT

CHAPTER I

THE FOUNDATION OF RESPONSIBLE GOVERNMENT

A CLEARER UNDERSTANDING of modern political problems may be reached by many if they think of the democratic State as having two separate sets of foundations. The first may be said to establish the liberty of the citizen, and the idea that the State exists to serve man, rather than that man exists to serve the State. The second provides the machinery of government, ways and means of living together, or what may be termed the tools used in the process of administration. Neither of these sets of foundations is of any value to us without the other. It is foolish to talk of such things as the Rights of Man unless some practical means exist of overcoming the practical tasks of daily life, which involves, in other words, bringing people into association with each other in such a way that these Rights can really be made to mean something to the ordinary man. Many men will be only too willing to barter their Rights away for the primary realities of life if they are starving, and no amount of freedom to associate, debate, and complain will avail us anything if means do not exist to protect us from robbery and disease, and provide us with the amenities out of which we can build a secure family life for ourselves. The daily chores of government must be performed before anyone can enjoy any rights at all. Conversely, the mere existence of an apparatus of government by itself is worse than useless, because it must be charged with right purposes, and energized by right motives, if its operations are to advance the interests of free citizens rather than enslave them as the subjects of a despotic ruler.

The present book is concerned with the second set of foundations, and there is good reason for this. The evolution of the basic ideas of liberty, of political and social democracy, has gone hand in hand in the Western world with the development of a special set of representative institutions of government which have served as a means of translating their ideas into the realities of everyday life for the masses of ordinary people. The citizen in any democratic country learns about the meaning of liberty, about his rights, and, more important still, about his obligations, by the mere fact of *being* a

citizen, by playing his part as a member of a church congregation, trade union, or co-operative society, by casting his vote in an election, and by being elected to one representative body or another. In the Colonies, however, this idea of liberty has become well understood, but the machinery, without which the blood will never flow through the veins to give it life, has yet to be constructed.

This book is therefore designed to assist those who are engaged on this vital task of political and social engineering. It deals with one especially important field, that of local government. The reason for attaching such great importance to this subject is obvious. The problems and the complexities of government and administration increase as the number of people and the area of land dealt with get bigger. That is proved by the laws of simple arithmetic, but there is something even more important in the science of psychology and common sense alike which leads to the same conclusion. Political and administrative problems are more real to the ordinary man, and therefore more readily solved, at short range than at a distance. A national government's affairs must be largely conducted on paper, personal contacts must perforce be few, and the whole proceeding necessarily takes on a high degree of unreality.

On the other hand, my neighbour is obviously *my* concern, just as I am his. I know a great deal about his thoughts and motives, his virtues and vices, by the rule-of-thumb system of psychology which is a necessary part of the stock-in-trade of every reasonably successful human being. I can easily impute malice to a member of another nation, stupidity to a member of another race. But I know too much about my neighbour to allow my judgments of his actions to be coloured too far by irrelevant considerations of this kind. It is difficult to live side by side with someone without being at the same time "neighbourly" in the best sense of the word, and high-sounding theories about human actions are liable to break on the solid rock of common sense when an attempt is made to apply them to the family next door. It is difficult to be doctrinaire about one's neighbours, and on this fact the foundations of local government have been laid. The common humanity of personal relationships is, indeed, the essential material out of which the fabric of democracy has been constructed. Local government is concerned with the material which nourishes the roots of society.

The identification between local government, or (in more general terms) government at short range within small communities, and the progress of civilization has been too uniform and too frequently repeated not to be significant. "Cities and culture and civilization,"

writes Mr. Jawharlal Nehru, " seem to go together. . . . With the growth of cities learning also grows, and the spirit of freedom."* The astounding progress that was made in the development of learning in general, and in the art of politics in particular, in the ancient Greek city-states hardly needs emphasis, though it is worthy of note that the problems of city government, and of the relationships between communities, around which keen discussion centred, awakened the inventiveness of men's minds to such a degree that what has been done in the way of political engineering by succeeding generations seems of little importance when compared with the achievements of the Greek cities during the comparatively brief period of their prosperity.

Over and over again, during succeeding ages, we find the city occupying a prominent place in the affairs of man as the upholder of individual liberty, championing the common man against tyranny, and playing an active part in the raising of standards of civilization in the fields of commerce, art, and learning, or protecting these standards from the onset of barbarism. Germany was torn asunder during the fourteenth and fifteenth centuries by the private wars of the petty States into which the country was divided. But in Augsburg, Cologne, Lubeck and Magdeburg an intense civic patriotism was developed, a prosperous commerce flourished, and as a contemporary historian of Cologne said, nothing more beautiful could be found in Europe than its wonderful churches, its city halls, towers and palaces. The story of the rise of Venice in the fifteenth century includes much of what is greatest and most beautiful in the history of man. Cheap and efficient justice, sound economic organization, attention to the needs of the masses, all these " modern " objectives of government are to be found in Venice, hundreds of years before the great nation-States of the nineteenth century began to concern themselves with such things. Children, we are told, were forbidden to work in dangerous trades; there was a compulsory load line for ships. These are good examples of Venetian social legislation which was followed only four hundred years later in Great Britain.†

The importance of the two great town-systems of mediæval Europe, those of Italy and the Netherlands, has been estimated at so high a level that it has been said by one historian that if they had been destroyed, the whole civilization of the Western world would have been fatally impoverished. In both cases the vital quality of social life arose from the fact that the affairs of the community could

* "Glimpses of World History," Lindsay Drummond Ltd. edition of 1942, pp. 205-6
† See H. A. L. Fisher, "A History of Europe," Arnold, edition of 1941, pp. 339, 391.

be controlled by people who knew each other, that this same form of organization could be applied to political and economic affairs. The regulation of justice, commerce, industry, and social life generally was done by the same set of people in much the same way. They were " ordinary " people, known to, trusted and respected by the community at large; rich people, doubtless, and for that reason somewhat set apart, but nevertheless occupying posts that any ambitious and intelligent man could aspire to fill.

The problem that confronts us is therefore how to recapture some of the magic of civic life that was so remarkable a feature of the Middle Ages, and develop amongst the people living in town and country alike a feeling of belonging to a community, of being a " citizen of no mean city," cared for by others, equally responsible for their welfare. Far too much attention is paid in discussing problems of local government to questions of detail, and often sordid ones at that. Local government is too often associated in Great Britain with the emptying of dustbins and the laying of sewers, the collection of rates and the enforcement of byelaws controlling nuisances. Such things are merely its outward manifestation in a particular country at one particular time. Unless they are regarded merely as the machinery through which the energy of a community is transmuted into action, whereby the community takes on for itself a certain independent existence for the achievement of common aims, it is nothing at all, and will without doubt die a natural and perhaps speedy death. It is, above all, quite certain that a system of local government can never be brought to life unless those who are responsible for its foundation can see beyond the machinery to the people, and possess a faith in them and a hope for their future, rather than a mere pedestrian desire to help them to satisfy some of their material needs. For the basic needs of man are not only material; they are in greater measure spiritual and social, and he will never achieve the higher levels of civilization unless he is dealt with as what he is—a social being. No system of government can be sound unless the citizen is made to feel secure in his position as a member of society, with rights and duties interlocking with those of his neighbours.

Hence the importance of local government in the world of to-day. The practical objectives of the system are unimportant as long as the substance is there. Local government has been associated in the Western world with the relief of the poor, the repair of highways, and the administering of minor sanitary services, but this is no reason to suppose that this is part of the unalterable order of nature. So

long as people feel that the manner in which some service is rendered is under their own control, that this service is their own, and that those who execute it are their own servants, the essence of a sound system of local government exists, whatever the service may be that is controlled in this way. Democratically administered co-operative societies dealing with the growing and marketing of agricultural produce, local representative bodies concerned with teaching illiterates to read, or with the provision and management of cricket fields, democratic women's clubs which cater for the needs of housewives and their families, all are as much within the field of genuine local government as bodies formally endowed with the apparatus of public administration as an elected town council, raising a rate for the paving, lighting and cleaning of the streets.

In discussing the organization of local government in colonial territories, we must learn to distinguish between the substance and the shadow in this way. Administrative bodies, " boards," " committees," call them what you will, are not local government authorities within the proper meaning of the term if they are set up by a central government, composed of a number of local inhabitants nominated for this purpose, and given a sum of money to spend on the poor, the roads, or slum clearance. Local government bodies may originate in this way, and this may well be an excellent first step in the evolution of a system of local government, but it does not give us the finished product until a long process of evolution has been gone through.

Neither, on the other hand, do we get a system of local government if a machinery of election is established, and a number of councillors elected who, when meeting together, formulate a series of " demands " or " complaints " concerning the activities of the central government, in the manner described in Mr. Edward Thompson's classic study of colonial society, " A Farewell to India." Local government, if it is to be anything at all, must be *responsible* government. Those who represent the people in the town or district must accept a measure of responsibility for the formulation of policy and its execution in relation to a given service, and it is the duty of the electors and the citizens at large to see that they discharge their responsibilities properly. As a corollary, they must possess a sufficient degree of authority to plan their services as they will (within reason), and a sufficiency of money to maintain them at a satisfactory level of efficiency. In other words, the local government body must possess enough freedom and power to give it an independent life of its own.

Every locality in all parts of the world needs a representative organization, so that there shall be somebody through whose mouth each group of individuals shall be able to speak, and whose actions shall dramatize the idea of good neighbourliness, and give life to the community. Local government is, indeed, the foundation of responsible government. Dealing with the local problems that concern each community in the way that seems best to the community is the best training ground for the harder business of democratic government on a national scale, for not only does it accustom people to the idea of managing their own affairs, but it also gives a number of ordinary citizens a sound training in the arts and sciences of public administration, and in the democratic way of carrying on the business of government. In the affairs of even the smallest body there must be a large measure of give and take; unless the minority is willing to be bound by the decision of the majority, accept a decision once it is made, and co-operate loyally in carrying it out, democratic government cannot exist at all. This lesson can only be learned in small, intimate affairs when each man is able to "see all round" the matters that are at issue.

The vital point is that unless people are willing to accept distasteful decisions on individual questions in the interests of preserving the *system* of government intact, democratic government must break down sooner or later.

It is an unpleasant lesson, and it takes a lot of learning. It has been learned in England more on local government committees than in any other way. No lesson can be learnt at all unless people are allowed to make mistakes, not too big ones, perhaps, but there is no substitute for this process of trial and error in the acquisition of political wisdom. And here again the peculiar merits of local government are seen. A man is likely to blunder in the least harmful way when he knows, personally, the people who are likely to be affected by his decisions, and if he lives in the surroundings in which the services he controls are administered. Let nobody despise the parish pump as a means of political education! Those who understand the way in which, under a modern system of local government, each local body is fitted into the life of the nation as a whole are hardly likely to do so.

Every country has its own peculiar set of problems to work out in establishing a sound system of local government, and keeping it up to date. Those in industrialized countries are more complex and urgent than they are in countries which are dependent on a rural economy, but all have the same basic characteristics. The dilemma

is always to reconcile the need for maximum uniformity in the services that are rendered with the existence of a maximum degree of local freedom, without which local government cannot exist. In countries like those of Western Europe, in which there is a high degree of identity of interest between the inhabitants of one area with those of another, and a great deal of movement of people within the boundaries of each country, the problem of what has come to be called " local autonomy " is particularly acute. People in an area suffering from unemployment cannot be allowed to go in want when people in other places are wealthy. Wealthy places cannot be allowed to possess magnificent hospitals, schools, or even houses, if the provision in other places is inadequate. Moreover, such is the interest that the nation as a whole has in the welfare of each of its citizens, no locality can be allowed to neglect its responsibilities in providing health and education services, and so on. Not only because to do so would involve the spread of infectious diseases, and increase the amount of money that has to be spent on the relief of destitution, but the very principles on which the democratic State rests require a government to see that each of its citizens is provided with something approaching an equal opportunity to make the best use of his talents, as well as contribute what he can to the common pool of civilization.

In a well-organized State, therefore, each local authority cannot be allowed complete freedom to go its own way to please itself. In the first place, the national government has a direct responsibility to establish a sound system of local government, and maintain it in being. Ways and means must be found for establishing a system of control over the actions of local authorities, whereby the chief objections of democratic government can be constantly kept in view. In some cases backsliders may have to be severely dealt with, as in those instances where persons exercise the authority entrusted to them for corrupt ends, or when elected representatives overstep the boundary which should demarcate their sphere of authority from that of the officials they employ. These are, however, extreme instances. Central control should normally be exercised in such a way as to secure a general conformity between the policy laid down by the Central Government for the nation as a whole, and that adopted by each individual council.

For this reason it must be emphasized that an efficient system of central control is a necessary part of any local government scheme. In some countries, as in Belgium and France (which have inherited the centralized system of government laid down by Napoleon), cen-

tral control is stricter than in others, but in all countries the control exists. The consequences of weak control are obvious: much confusion speedily results, and the services concerned are placed under the direct management of a depàrtment of the central government in the interests of efficiency and economy. If this process is taken too far, the whole system of local government is undermined, and the process can be seen at work in several countries to-day, in Great Britain not less than anywhere else.

The problem of reconciling the interests of the separate communities into which any nation is divided with those of the nation as a whole, is a difficult one to overcome in any country, and the problem is rapidly becoming harder to solve as modern methods of transport, of industrial and commercial organization, and patterns of social organization generally are knitting masses of people more and more closely together as the years go by. The danger confronts the people of the whole world that this process will be taken too far, and all sense of community lost in a general massing together of humanity, in which the individual's place is as precisely laid down for him in accordance with the interests of mankind at large, as an ant's on an antheap. Such a form of organization would leave no room for any community life of the kind to which we attach such great importance, and without which civilized life, properly so called, is impossible.

The picture thus painted is in some respects a gloomy one. It is true that people are flocking into the towns all over the world, and that urban life is in many respects unpleasant to behold even in those places, as in Great Britain and North America, where the sanitary conditions of the towns are better than the world has ever seen before. It is also true that it is proving exceedingly hard to establish sound community life in urban areas, which tend to swell to a size too large to allow it to take root. The townsman is encouraged to separate his life into compartments, working in one place, living in another, occupying himself in a variety of ways in a large number of different places. He is a member of a series of groups which do not add up into a single vital community. This has been contrasted with the secure social bond which often binds men together in the countryside. It was said of rural life in India a hundred years ago, that—

> " The village communities are little republics having nearly everything they want within themselves; and almost independent of foreign relations; they seem to last when nothing else lasts. This union of village communities, each one forming a little State within

itself . . . is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence."*

The decline of independent village life in India during the past hundred years, a process which has extended throughout the world, has been regretted by many, who often deplore in romantic vein the idyllic life of the countryman in bygone years. More profound students of social history, however, know that the village in mediæval Europe or in ancient India, was by no means a place in which life was a bed of roses for its inhabitants. The villager had to endure persecution, starvation, and chronic ill-health far too often. His defencelessness exposed him to robbery, and his isolation brought with it famine. As Mr. Jawaharlal Nehru has pointed out, men living in the country are scattered, and apt to be superstitious. They have to work hard, have little leisure, and dare not disobey their masters.† No wonder, then, that people are constantly struggling to leave their villages, and get to the towns, to which they are attracted both by opportunities to " get on in the world," and by a far more elaborate provision of the modern amenities of life.

The task which those responsible for local government administration must set before themselves is therefore twofold—so far as the towns are concerned, large units must be broken down into what have come to be called " neighbourhood units," in which the rich social life of the village can flourish. A system of city government which merely provides for the government of a town by officials supervised by a handful of councillors, elected at infrequent intervals by the mass of the people, is not meeting modern requirements. To-day proper health, education, transport, and other similar services, are taken for granted; they must be provided somehow or other, but there must *also* be a means of associating the mass of the people with each other, and with the administration of services (not *necessarily* those mentioned above) which they consider vital to their well-being. Secondly, so far as the countryside is concerned, the task of the local government administrator must be to make available to the countryman some of the amenities which have hitherto been reserved for the townsman. If the village is not provided with a constitution which makes its community life effective (as the village *panchayats* did for a very long period in India), then this need must be attended to first of all. This is, however, merely a necessary preliminary to the really important task of making rural life satisfying to the countryman. The countryside is now, in most parts of

* Quoted, Nehru, p. 421.
† P. 206.

the world, a safe place in which to live. That has given it the chief advantage which the towns enjoyed in the Middle Ages. Modern methods of transport make it easier to get to the towns to enjoy urban amenities, but, given the necessary organization, they also make it easier to bring urban amenities to the countryside, and to link the lives of village communities together in such a way that the isolation of the countryside is broken down.

It is therefore obvious that one of the most important groups of services with which local government authorities will be called upon to deal in the future is that called in the administrative jargon of our times by the name " social welfare." The first and most important task of local government will be to break down the isolation of the individual, and guarantee an active social life in which each person can find an appropriate place. The work of " social engineering " which must be undertaken in this way will be the formation of groups: youth groups, groups for education and recreation, groups for the aged. " Juvenile delinquency " is only a high-sounding name we give to a state of affairs which, if we looked at it carefully, we would see has arisen in so many places (particularly in towns) where there is no longer a secure social bond between the young man and woman and the community in which they are placed. " Prædial larceny " is a similar high-sounding name we give to a state of affairs which the application of simple common sense instead of legalistic claptrap would show has arisen from the lack of a secure social bond between countrypeople, or defective economic organization which leaves some people with an insufficient amount of food to eat. It is only when we apply the modern, or " welfare," approach to such problems that we recognize them for what they are, and come to the obvious conclusion that the mere strengthening of the apparatus of criminal justice, by such expedients as the appointment of probation officers, or the introduction of the penalty of flogging, are entirely beside the point, and that it is only by a reorganization of the pattern of social life, through the development of a system of local government properly so called, that we are even going to get to grips with problems such as these. Indeed, so far as flogging is concerned, we have a dramatic proof of the extent to which barbarism exists within our midst. The example of Nazi Germany should always be borne in mind as a proof of the fact that the slope downward to the Dark Ages is both steep and slippery.

It must be explained, therefore, that the development of a sound system of local government is one of the most important contributions that can be made to the task of " nation building." The objec-

tive which many of the leaders of the colonial peoples have most clearly in mind is responsible government, and all who are sincere in their desire to promote the welfare of the colonial peoples will wish them well in their endeavour to achieve this goal. It is, however, for the sociologist to point out that an objective of this kind cannot be achieved as a single, or separate, aim. A people cannot achieve a standard of political education which makes it possible to introduce the complicated machinery of parliamentary institutions unless its social structure is fundamentally sound. The system of political organization may be thought of as resting on a basis provided by the local institutions of the country concerned, and these in turn may be thought of as depending for their energy and vitality on the resources of the several families into which the local communities are divided. Without a sound family life, it may be argued, there can be no sound village life; without a sound village life there can be no sound national life. The chain of argument is strong, and the moral is obvious.

It would be wrong to suggest, of course, that this sort of reasoning should be taken to prove that local government institutions and the development of social welfare services generally should be dealt with *before* any attention can be paid to constitutional reforms on a national plane. That is far from being a correct conclusion. The point that should be made clear is that political advance is part and parcel of a much wider process, and that it should proceed in step with advances in all other forms of political and social organization. In the long run, political advance is dependent on many other things: on the social dynamics which produce leaders; on the degree to which economic activity produces the necessary quantity of wealth to make it possible for the nation to achieve independence of other nations, and so on. Much will depend, again, on the elusive factor of "morale," which will determine the extent to which the political leaders of a country are corrupted by the power they enjoy (or in more obvious ways), and are deflected from the pursuit of the objectives they may originally have desired to achieve. And so on. If constitutional advance is sought as a thing in itself, then all the schemes that are drawn up are so much wasted paper, and constitution-mongering becomes a positive danger to the people concerned.

This argument is certainly not restricted in its scope to the colonial empire. It is universal in its application to the affairs of democracies all over the world. The problems of Liverpool and Wiltshire, of New York and Tennessee, of Jamaica and Ceylon, are interchange-

able from the point of view of fundamentals. The relationships between man and society do not differ with race, technological problems with climate, or the specific problem of urbanism with geography. Each nation must face the same set of problems, and find its own solution for them. Each nation can learn from the experience of other nations, but in the last analysis it can only be guided by what other nations have done; ready-made solutions are by their very nature the wrong solutions to adopt. Each nation can contribute something to the common pool of political organization in their way; Great Britain has the committee-system in local government to offer, the United States the magnificent experiment of the Tennessee Valley Authority, whilst Jamaica has forged a new weapon, which others may find of great value, in Jamaica Welfare Ltd. But before one nation is able to profit from the experiences and achievements of another, the fundamental purposes underlying each institution or administrative expedient must be clearly studied machinery of this kind must be separated into its component parts and out of the materials that are made available in this way something that is essentially new must be constructed.

The work of political and social engineering is an adventure. The science of human relationships is fascinating to the intelligent mind to an extent that can only be experienced, not described. Its importance in the modern world is such that the very fate of humanity depends on the solution of problems in this field. Therefore let there be an end to cheap abuse of the politician, particularly those who work earnestly and honestly in the unassuming task of local government.

CHAPTER II

LOCAL GOVERNMENT IN ENGLAND

THE SYSTEM of local government as it exists in England to-day is of very recent growth. It has its roots in the past, but the principles on which it is based were evolved for the most part in the nineteenth century, and the very expression "local government" was not in common use before 1850. It is at the present time in a state of rapid transition to meet modern needs, and though this makes it impossible to give an adequate description of the system briefly, even a superficial account of the dynamics of the situation, of the forces which lie behind this process of growth and decay, must be of value to those who are seeking to plan a scheme for the administration of public services in any part of the world.

The English local government authority of to-day is controlled by councillors elected by the inhabitants of the district concerned; they are served by *permanent officials* who do not change with political majorities in their councils; they carry out functions which they are empowered or required to execute by *statute*; they finance the services for which they are responsible mainly from three sources; (1) by levying *local rates*, (2) from the *grants in aid* they receive from the central government, and (3) from property, etc., which they own; and they are *controlled* in their work by the central government departments known collectively as "Whitehall."*

Few evidences of these principles (except the levying of local rates) can be found in the machinery of local administration as it existed two hundred years ago. Up to the great period of administrative reform, which began in the 1830s, no one seemed to have thought of local government as a channel through which to promote the welfare of their fellow-citizens, or as an opportunity for local communities to govern themselves. The traditional unit of local administration was the parish, and this could be described more justly as a "unit of obligation," rather than as a co-operative association for the common good. The prevailing idea was that certain tasks had

* An excellent account of these principles, and of their gradual formulation, will be found in the summary of the classic survey, "English Local Government," by Sidney and Beatrice Webb, which is contained in Vol. IV, "Statutory Authorities," pp. 350-486.

to be performed in the interests of the nation as well as of any given locality, such as the repair of highways, the relief of the poor, and, above all, the prevention of crime and the arrest of criminals. The method by which this was done was for the central government to pass legislation requiring the parishes to appoint persons from amongst their inhabitants to be responsible for the administration of these services. Every man was obliged by the law to play his part without reward, and made responsible under pain of legal proceedings to carry his duties out with reasonable diligence. Service in these parochial offices was unpaid. The Surveyors of Highways, Overseers of the Poor, Churchwardens (responsible for the affairs of the parochial assemblies, the " vestries "), and the Constables were chosen by their neighbours assembled in the " vestries," or by the Justices of the Peace. If they refused to serve they were punished by fine. If they executed their duties inefficiently, or did not present proper accounts at the end of their period of duty, they might find themselves obliged to meet the charges they had incurred out of their own pockets. Well might it be said that " in the old England democracy was not a right but an obligation."*

The system of parochial administration was supervised by the Justices of the Peace, who were both criminal judges and civil administrators simultaneously. Originally, they were representatives of the central government, required to enforce the will of the Crown on the people by the despotic rulers of the Tudor period. By the eighteenth century, however, the power of the Crown had largely passed to the landed gentry, who ruled the country through their control over Parliament, but more especially as far as the common man was concerned, by virtue of their office as Justices of the Peace. As Magistrates, they tried petty offenders in their own parishes, and more serious offenders at the " quarter " sessions, held for the counties as a whole. They appointed the Overseers of the Poor outright, and exercised a close supervision over the other parochial officers, particularly the Constables, who carried their decisions into effect. The parishes of pre-industrial England and in a measure the counties which contained them, were, in a sense, self-governing political units, in so far as no central government agencies existed to interfere with them; the landed proprietors and the well-established farmers who had a direct interest in the maintenance of law and order, were able to control the affairs of the countryside and to secure the administration of the minimum of services that they deemed essential.

* Arthur Bryant, " The England of Charles II," Longmans, 1934, p. 181.

Although the common labourers were more or less left out of this picture, they did not disappear altogether. It was quite impossible for their masters to exercise a despotism over them that was entirely regardless of their interests. The villages of England were what may be termed " closed communities " for many months of the year, for the roads were so bad that communication was made very difficult, if not impossible. Therefore the gentry, farmers, and labourers had to find some means of living together in tolerable amity, and this had to be done in the total absence of a police force, other than that provided by the farmer, who acted for the time being as Constable. There was no prison system other than that grudgingly maintained by the county justices and paid for out of the county rate, nor any system of education, other than that provided by the churches and a few " charity " schools. The machinery of despotic rule was totally lacking, and in default of any kind of police force, the common man could assert himself by clandestine destruction of property, such as hayrick burning, or in more direct ways.

The shape of English democracy was therefore forged in the first instance in the English countryside. The business of parish government has, indeed, been referred to as " a salutary training in democracy, educating successive generations of the community in the business of administration."* If the Overseer of the Poor spent too much, he would be taken to task by his neighbours: if he spent too little and allowed a poor man to starve, he might find himself charged with the crime of manslaughter. The Surveyor of the Highways was obliged to see that the inhabitants turned out for their five days of unpaid labour on the highways each year; the Constable had to arrest offenders, calling for assistance when necessary from reluctant private citizens, and in the same way to execute such sentences as whipping as might be imposed by the Justices. Administration, civil and criminal, was bound in such conditions to be closely in keeping with public opinion, such as it was.

It is easy to paint too rosy a picture of the life of the simple countryman in the rural England of the Georgian age. It would be, however, an extremely stupid thing to do so, because countrymen are no more " simple " than any men anywhere, and social life in the isolated villages of this period was without doubt marred by an unwholesome ignorance and prejudice, and cramped by bad conditions both of life and work. When the country gentry became infected with the new ideas of the machine age, much oppression resulted from their ruthless introduction of new methods of agriculture,

* Bryant, p. 177.

associated with the enclosure of common lands. And the story of the Game Laws is one of endless misery and suffering for the masses. But for all that the countryside of England provided the typical background of English social life until well into the nineteenth century, a background in which a sense of responsibility for the well-being of their immediate dependents and for that of the nation at large took possession of the minds of the ruling classes, and provided an opportunity for the transition between the old and the new social systems and governmental structures by slow, almost imperceptible, stages. Revolution was warded off by the social bonds between the classes which grew up in the countryside.

English local government, then, owes its origin to the solid foundations laid in the English village, its essential features are those which suit the countryside rather than the town. Englishmen were never, as were the people of the Continent of Europe, compelled to live massed together in towns in order to protect themselves against robbery and violence, at least after the central government had asserted itself against the nobility from the sixteenth century onwards. The fact that England was an island imposed its stamp both on the political institutions and the social life of the people. It was only when the machine age arrived at the end of the eighteenth century that the economic advantages arising from the close association of factories and workshop, that the steadily increasing size of the factories sent people crowding into the towns, and changed the emphasis in English social life from the country to the town. The English towns arose out of an economic rather than a political need, and the development of political institutions to control the daily life of the townsmen, to shape the form and outward appearance of the towns and their destinies, lagged many years behind the times for this reason. At first, the rapidly developing towns sought to adapt rural institutions, such as the parish and the manor, for the purposes of urban government, in the tiresome spirit of "muddling through" for which England is so notorious. But this expedient only achieved a partial success in those towns where the middle class industrialists managed to get control of these institutions, and shape them for their own ends. The ancient institutions of city government, the municipal corporations, for the most part fell into corrupt hands, where they existed, but in many instances the new manufacturing towns did not possess any municipal institutions at all.

Progress gradually came through the use of a piece of legislative mechanism peculiar to Great Britain, the "local act." Groups of

influential citizens, merchants and industrialists, asked Parliament for special legislation to control the paving, lighting and draining of the streets, to appoint watchmen to prevent crime, and so on. Out of this there came a movement for municipal reform which culminated in the Municipal Corporations Act, 1835. This Act modernized the existing corporations (outside London), and established machinery for the creation of new corporations in the industrial areas which lacked them. Ancient corporations with good records, such as Liverpool, quickly made effective use of this legislation, and new corporations, established for places like Manchester, followed suit.

The municipal corporation, as reformed in 1835, was placed on an elective basis, and provision was made for the appointment of a paid staff to carry out its business. The movement for the creation of effective local government was, significantly enough, a local movement; the new corporations owed their vitality to a determination on the part of the leaders of the local communities to get to grips with their own problems. In this way the foundations of the exceedingly important public health services were laid during the 1840s, largely through the initiative of the corporations of Liverpool and Manchester. This spirit of municipal enterprise was rapidly extended elsewhere as the century wore on. Birmingham, for example, was exceedingly active in the 1860s and 1870s, not only in the field of public health, but pioneering in other directions as well, e.g., in the then new field of municipal trading, and launching out into the " dangerous " territory of commercial enterprise by buying up the undertakings of the local water and gas companies. A new element in English social life appeared when the Birmingham Corporation bought a large insanitary slum area, and laid out broad new streets, lined with substantial buildings. The idea of city government had " caught on," and the municipal corporation was henceforth firmly fixed in people's minds as an agency for social progress.

On the other hand, the development of local government suffered a succession of setbacks during the nineteenth century which laid bare factors in English social life, the true importance of which is only slowly becoming apparent at the present time. Rural government failed to keep pace with urban government because of the degraded social and economic condition of the agricultural labourer. The urban democracy of the trade union and the chapel was largely denied to the countryman until the end of the century. The counties only obtained an election system of local government in 1888, with the establishment of county councils, followed by the setting up of

smaller bodies, the urban and rural district councils, and new parish councils on an elective basis, in 1894. The Poor Law had, it is true, been reformed in 1834, but at no time in the century, and certainly not before 1914, did the Poor Law authorities carry out their duties in the interests of a common humanity, being guided either by the objective of saving the pockets of those who had to pay the rates out of which the poor were relieved or by doctrinaire theories of "individual self-reliance." In so important a service as the construction and maintenance of a system of trunk roads, the county was forced to rely on a curious administrative expedient based on commercial exploitation, the Turnpike Trust. Otherwise, the ancient parishes continued to provide in their own inefficient way for local traffic. The first piece of national legislation designed to deal with this state of affairs came in 1878, and was largely useless as the unrepresentative body of county justices had to be relied on for administrative purposes. The "main" roads only came into being with the creation of the new county councils.

The urban areas were, in their turn, very backward in the development of the vitally important public health services. Although there were shining exceptions to the general rule, the city fathers of England did not take kindly to the idea of sanitation, and the history of sanitary legislation is one of the gradual awakening of the mind of public-spirited members of the medical profession to the true causes of infection and "industrial" diseases, and a grinding uphill campaign by them against the vested interests of property owners. Far too often these interests controlled the town councils, and their opponents were then forced to turn their attention towards securing legislation from Parliament compelling these towns to put their houses in order, in a literal as well as a metaphorical sense. We thus get the introduction of another of the fundamental principles of English local government, central control. General legislation dealing with the public health of the country dates from an ineffectual Act of 1848; for the first time sanitary legislation had teeth put into it in 1866, and from then onwards a Whitehall department was enabled (when Parliament was sufficiently interested) to require the towns to maintain a reasonable standard of efficiency in their "preventive" health services, drainage, refuse disposal, sanitary inspectors, and the like. From 1872 onwards the whole of England was covered by urban and rural sanitary authorities. In 1875 public health legislation was consolidated into a single code, and in 1882 the same was done with the constitutional law of municipal government. This marked the end of an epoch.

Amongst the factors which stood in the way of the development of municipal institutions in Great Britain in the nineteenth century was the profound distrust that then prevailed of government through the medium of political parties. The civil service was not then securely established, and means had not been found to prevent the introduction of the "spoils" system into administration. For this reason, special authorities were established for educational administration in 1870, the School Boards, constituted in such a way as to make party control as difficult as possible. This followed the establishment of special authorities for Poor Law administration in 1834, the Board of Guardians, and it looked for some time as if local government functions might be split between a number of separate bodies, which would have made the co-ordination of their services impossible, and prevented the growth of really strong municipal institutions. By the turn of the century, however, it had become apparent that this was a move in the wrong direction. The School Boards were abolished in 1902, their function being taken over by the County Councils, and the larger municipalities and urban authorities. The same happened with the Boards of Guardians in 1929, when their functions were transferred to the County Councils and the large municipalities. From then on what is termed in the jargon of local government the "omnibus" or omni-competent local authorities reigned supreme.

During the past fifty years, the main trend has been in the direction of placing more and more reliance on the larger local authorities. Social administration has become rapidly more complex, standards have risen, and the determination of the individual citizen, as expressed by his vote, has been to support those who are most insistent that the social services shall be steadily developed. More and more pressure is applied to the smaller authorities to maintain their services at a high level, for which many of them lack the facilities. The administration of many services, particularly education and the "personal" health services, such as maternity and child welfare, and the treatment of tuberculosis, has come to rest with the large local authorities, the County Councils and the County Borough Councils established in 1888. The typical Englishman is, after all, a townsman, for at least eight out of ten of the inhabitants of the country live in urban areas, and the bulk of townsmen live in the densely populated regions round such places as London, Manchester and Birmingham. It cannot be wondered at, therefore, that the march of progress has been away from the rural village councils, and towards those complicated authorities which are

sufficiently well equipped to provide the services which urban areas need, or to make the amenities of urban life available to the countryside.

Local government in England is now in the hands of the Counties and County Boroughs, together with the " non-county " Boroughs, Urban and Rural Districts, and Parishes, into which the latter are divided. The Counties are for the most part rural areas, though some, like Middlesex, have become almost wholly urban. The County Boroughs are for the most part large towns or cities, like Birmingham, Liverpool, Manchester, Newcastle and Bristol. Some of the smaller cities, however, like Chester, Norwich, and Exeter, possess the status of County Boroughs more by reason of the ancient traditions they have inherited rather than because of their size or importance as manufacturing towns or centres of commerce, industries or communications. The functions of the Counties and County Boroughs are innumerable. The most important of them lie in the field of social administration. They are responsible for the shaping of the town and residential areas in the county by making town planning schemes. Their positive functions for the improvement of the welfare of the ordinary citizen include the provision of all forms of education up to (but not including) the universities. They are concerned with all forms of public health services, both the " positive " and the " preventive "; they build and maintain houses for the working classes, which are numbered in thousands in places like Liverpool and Manchester. (Nearly one and a half *million* houses were built by local authorities in the period 1920-1939.) Their educational services include extremely efficient libraries, which are built up into a national system so that books can be borrowed and lent freely throughout the country. As the possessors of museums and art galleries they are important patrons of the arts. They maintain the streets in towns, and most of the roads in the country. The underwater road tunnel linking Liverpool and Birkenhead, built by the municipal authorities of the district, can truly be reckoned one of the wonders of the world.

The work of all these gigantic undertakings is closely supervised by the elected representatives of the people. It would, of course, be quite impossible for the members of the Councils to try to do all the work themselves, and their officials are responsible for most of the daily tasks of administration. Even so, the Councils could not supervise the carrying out of their tasks even in a very general way. This function is entrusted to committees, many of which (like the education and the " watch " committees controlling the police force)

take action from time to time as occasion requires, reporting their decisions, after the event, to the Councils which appoint them. For the most part, however, the supervision of the work of the committees by the Councils is detailed and vigorously applied. The Councils are insistent that the actions of their committees shall be submitted month by month for ratification, and they are quick to reject, amend or "refer back" any decisions which conflict with the policy of the Council as a whole.

The work of a councillor is no sinecure. English local government councils are large bodies, with often more than a hundred members. But so many people are required to form their innumerable committees, that some committees make use of the expedient of "co-option" to bring in experts from outside the council to assist them with their work, and at the same time relieve the pressure on the councillors. Even so, the councillor finds himself compelled to attend monthly meetings of his council, and weekly, sometimes daily, meetings of the various committees of which he is a member. On the top of this, he has to endeavour to discharge the primary functions of a representative of the people, which is to keep in touch day by day with the electors who have sent him to his council. This involves frequent meetings, party and other, and innumerable personal interviews with his constituents at any time of the day or night, in which matters ranging from personal needs (such as for a Corporation house) to the airing of views about the administration of the Council's services, such as education and town planning. This function is a vitally important one, without which democracy cannot be made to function successfully. It is all the more surprising to many foreigners, therefore, to discover that the councillor is unpaid, and forbidden under severe penalties enforced by the law to make any profit for himself out of his office. These provisions are enforced; English local government is "clean," and has an enviable reputation as such. It cannot be denied, however, that the councillor's duties impose excessive burdens on many members of the working classes who have to earn their living by daily employment. Schemes for the compensation of councillors for the wages they lose in this way have been under discussion, and Local Authorities are now able to pay councillors at the rate of £1 per day or 10s. per half-day given in their service.

One of the main problems in local government in England at the present time is, indeed, how to maintain personal contacts of this kind between the local councils and the people they serve. Much good work is done by the small local authorities, such as the

parish councils and the rural district councils, which are often despised as unimportant bodies dealing with merely petty details. But though the parish councils may only concern themselves with such matters as footpaths, allotment ground for growing vegetables, village halls, small reservoirs for water supplies and similar purposes, they fulfil a very valuable function as representative bodies which make the needs, wishes, and views of the people of the villages known to higher and more august bodies such as County Councils and Whitehall Departments. Their views are, accordingly, taken seriously, and their importance has been recognized for "welfare" purposes by the National Council of Social Service, which has organized a special department of its work for stimulating and assisting Parish Councils. It will indeed be a sad day for the English countryside if the Parish Councils are crushed out of existence by "progress," as exemplified by the rapid expansion of the functions of larger bodies.

This problem is difficult enough to solve. The scale of an organization like Liverpool City Council is immense; it spends in peacetime upwards of £10,000,000 a year, and is served by some 30,000 officials and employees. The magnitude of its services and its problems is far beyond the comprehension of the ordinary man, and this applies to all the larger local authorities in Great Britain. The situation is made even more complex by reason of the fact that the central government is playing a rapidly increasing part in local government as the years go by. This is seen very plainly in the extent to which the money which local authorities obtain comes from the central government in the form of grants in aid. In 1936-37, for instance, local authorities received £17,800,000 from grants. It is obvious that local authorities will look in the future on the grant as a more important source of income than the rate, and this will mean a corresponding increase in the power over local government which the Ministry of Health exercises as the central government department charged with a general supervision over the local authorities.

Still more important, however, is the general tendency towards centralization, and the bulking together of administrative services in large units, which is one of the characteristic features of our times. It is impossible to provide efficient and uniform administration in many of the social services if they are divided up into small units. This was discovered first of all in the prisons service in the nineteenth century, and the discovery led to the transfer of the system of prison administration from the county justices to the Home Office in 1877.

A long interval followed (during which, however, many new services, like Employment Exchanges, were developed by the central government, which were of great importance to the localities concerned), but the process was, however, repeated in the inter-war period, when the relief of the able-bodied unemployed was transferred in 1934, from the local authorities to the Assistance Board, a national body, and a number of " trunk " roads similarly transferred to the Ministry of Transport in 1937. The process is being repeated again in 1946 in the administration of hospitals, and with the Poor Law, and it is difficult to say when it will stop.

Much will depend on the extent to which a satisfactory scheme can be worked out for the administration of public services by local authorities in partnership with the central government. Hitherto, central control over the activities of local authorities has been uneven and somewhat spasmodic. The central departments have been well endowed with legal powers to prevent the local authorities from taking action of which they disapprove, and somewhat less well endowed with powers to force them to take action which they consider desirable. These powers are of great importance to the effective functioning of the system of local government in the future, and it is necessary, therefore, to describe them in some detail.

Chief amongst the powers in order of importance is the grant in aid. An elaborate procedure exists for the submission of schemes by local authorities to central departments with the object of obtaining recognition for purposes of receiving grant aid of the various items of expenditure included in them. This gives the central departments a direct influence over the administration of local services, which is exercised through the medium of inspectors who spend their time day by day inquiring into the ways in which the various services are carried out. Again, no loan can be raised by a local authority without the sanction of a central department, which is given only after a public local inquiry has been held by an inspector into the purposes for which the loan is wanted, and after consultations with the Treasury on financial policy generally. So far as the local authorities' officers are concerned, certain chief officials cannot be dismissed without the sanction of the central departments, and this is particularly important in the case of chief constables and the medical officers of health. In the last resort, the central departments can " act in default " if a local authority does not maintain a sufficiently high standard of administration, or compel a recalcitrant authority to take action by legal process. These powers, however, are very rarely used indeed, and the central department would probably find

it easier to nationalize a service outright than attempt to coerce local councils, which are, after all, composed of representatives of the people, to do something they do not want to do.

The strength of English local government lies in its representative character—in the fact that the councillor is elected by a popular vote in which all adult inhabitants in the electoral areas or " wards " take part. This establishes a clear contact between the council and the citizens it serves. The contact is all the more intimate by reason of the fact that the services a council provides are still largely paid for out of the rates. Any council is at liberty to go ahead in the development of its services *faster* than the central government desires if it is prepared to pay the cost out of the rates, and most of them do in fact take advantage of this in one way or another. Some services, of course, are not grant-aided; prominent amongst these are the " trading " services, such as transport, gas, water supply, and the services which aim at the development of amenities such as parks and the seaside promenades of holiday resorts. Towns such as Blackpool or Brighton depend for their livelihood on attracting holiday-makers, and this has so far been of little or no interest to Whitehall.

In recent years some Councils have led the way in developing new services at their own cost. Manchester fought for and at length obtained powers to develop an entirely new " satellite " town for its citizens to live at Wythenshaw, which has become one of the best examples of municipal enterprise and town planning in the country. The Mersey Tunnel, though grant-aided, was entirely due to the enterprise of the corporations of Liverpool and Birkenhead. Furthermore, most of the larger corporations take an active and, on occasion, a leading part in the development of industry, thus increasing the prosperity of their districts. Cheap power and adequate water supplies, attractive houses for workers, transport from home to work, technical education, the direction of school-leavers to suitable jobs; all these are services which the municipality renders as a matter of course. Some corporations, notably Liverpool, have indeed gone much further, spending large sums of money (running into millions of pounds) on the acquisition of sites for industry, and building factories which are let at cheap rentals to industrialists who are able to provide types of employment of which the town concerned stands in need. It is safe to say that the people of Liverpool would be in a dire state of poverty and despair without the enterprise of its City Council.

Local government, therefore, gives the people of a locality the

chance to be up and doing without waiting for someone else to start something first. There is a matter-of-factness about the local government machine which is keenly relished by those who are sincerely anxious to promote the welfare of humanity. Woe betide the councillor or official who attempts to stand on his dignity, and get away with inefficiency in virtue of his office! The Civil Servant has to face questions in the House of Commons, but he always remains anonymous, and few people know him sufficiently well to attack him personally. The local councillor and official are known by everybody; the councillors (and sometimes the officials) are abused and praised by name in the local Press, in that order; the actions of councillors and officials alike are dissected in Committee and in Council week by week, and month by month. Mistakes on their part are challenged promptly and vigorously. Their position is a difficult one, but their opportunities are great. They are in direct touch with humanity; they can create something with their own hands. If they have their mistakes pointed out to them so bluntly, they see their successes, too. It is a poor councillor or official who cannot see some permanent achievement somewhere in the district which is his own.

On the other hand, English local government suffers from the defect that it is so new. The system we have to-day is only about a hundred years old, and its period of rapid growth dates from about 1920. It has therefore only been tried out seriously for some twenty-five years, and it is not surprising that its growing pains are sometimes keenly felt. We are still undecided as to which functions should be directly administered by the central government, and which left to the local authorities. We still have to achieve a satisfactory balance between the needs of town and country in the administration of local services, particularly town planning. The rapidly increasing size of the unit of administration is bringing with it a danger that the close contact between the administrator and the people for whose benefit a service is administered, which is the essence of local government, may be lost. But the example of the local authorities during the war years in overcoming innumerable problems presented by air attack and by the stresses and strains of war, is reassuring. These, it should be recalled, ranged from the provision of shelters from bombs, hot meals and lodging for the " bombed out," and rescue parties to deal with casualties, to the dispersion of school children through the country, the feeding of masses of the people in " British Restaurants," the provision of welfare services for multitudes of people in need, and, in extreme circumstances, to the making of preparations for the government of the country town by town if Whitehall

were to be blown to bits—an event for which most local government officers must have devoutly prayed at all times. Local government still possesses plenty of vitality. It can be confidently expected that, once it has adjusted its outward form to the new conditions of the present age, it will continue to play in the future as decisive a part in the business of promoting the welfare of the common man as it has ever done in the past. But it will certainly have to go on changing if it is to remain alive.

CHAPTER III

LOCAL GOVERNMENT AND THE COLONIES

PARTICULARLY in the present stage of colonial development there is an overwhelming need for a self-reliant, efficient system of local government. In 1943 the then Colonial Secretary said in the House of Commons—and his words have been authoritatively echoed on many occasions since then:—

> "I do not believe there is any better training for the art of self-government than participation in local administration. Our own history shows that our constitutional government, developed in Westminster, has owed a very great deal to our experiences in local administration. . . . I regard the extension of local government as one of the quickest and certainly the surest methods of making certain of the extension of central government."*

Everywhere in the Colonies constitutional advances—often spectacular in nature—are in progress. All the nascent nationalism, the strivings after a better life and a new freedom, are centring round the shape of the constitutions of the central legislatures or "Parliaments." Every colonial lawyer and politician becomes a constitution-maker, and such matters as the methods of election to the new Councils, the ins-and-outs of communal representation, the subtleties of the relationship between legislature, executive and judiciary become the currency of everyday political talk. While this goes on at the centre, local government on the periphery remains backward, perhaps corrupt, neglected, autocratic, and stirs no interest. Yet the absence of a working administrative machine which stretches down to every town and village can easily be the rock on which self-government founders. The most perfect Education Act may be inscribed on the Statute Book, the most comprehensive system of health services may be blue-printed—but who is to carry them out and secure their benefits for *every* child and *every* sick person in *every* locality? Where is the machine?

The introductory chapters of this book have summarized something of the fundamental meaning of responsible self-government,

* Colonel Stanley, House of Commons, 13.7.43.

and of the system of local government which has been evolved in England over a period of many centuries. No one would claim that this system is perfect, or that its features must inevitably be a part of local government everywhere. It has little that is comparable with the old (pre-Nazi) German or the French systems, and nothing in common with the system obtaining in Soviet Russia. On the other hand, it has resemblances to the system in the Scandinavian countries, and has been the source of much that is found in local government in North America and in the other nations of the British Commonwealth. Fundamentally, it has been conditioned by England's geography and history and the character of her people. It cannot, therefore, be expected to permit of transplantation unchanged to different soils. Yet, just because it has proved of such great value in maintaining the internal tranquillity and stability which have been so important in the history of England, it is understandable that the British should seek to carry with them something, at least, of the forms and spirit which they have known, even to such alien shores as the Dark Continent of Africa, to Asia or to the Indies. Democracy in the British sense is closely woven into the very fabric of British society and into the whole gamut of accepted patterns of behaviour. Yet the British have refused to assume that this adherence to democracy indicates some inborn temperamental characteristic of their own. It is in their eyes a reaction to be learnt, and as such all can learn it.

Is this a feasible attitude? Let us look at some of the differences in history and circumstance which might lead us to hesitate in our judgment. Local government in Britain began its modern development a century ago, stage by stage in common with the development of parliamentary rule. The initial creative period was 1830-1840, when the ferment left by the Napoleonic wars came to a head; first, in the beginning of that long series of reforms in the parliamentary franchise and machinery of government, which is barely at an end even now; second, in the laying of the foundations for a parallel development of local government from the time of the Municipal Corporations Act onwards. This century of growing experience in self-administration—both in Parliament at the centre, and in the localities—has contributed incalculably much to the character and capacities for judgment of the people—even though the conduct of affairs may have been too often in the hands of a minority, and even though the citizen has never been keenly interested in local politics.

In the Colonies self-government at the centre is only now beginning

its significant evolution, it is being accompanied by certain efforts to develop local government as well; and the present decade of post-war progress in colonial government may well prove a counterpart to the decade of 1830-1840 in Britain, with a similar ferment and a similarly growing political consciousness. But the character of the people in the Colonies, their capacities and judgment, have not yet had the experience of a hundred years' constitutional advance which has brought the British institutions into their present-day shape and efficiency. The same institutions, grafted on to colonial conditions do not flourish in the same way. The whole pattern of social relationships, wants, values, economic structure is different.

It must, for example, be rather discouraging to a student of our local government coming, say, from some African territory, when written records date back half a century, and even oral tradition no more than as much again, to be confronted at every turn with references to the antiquity of British institutions, their evolution through the centuries, their dependence on "gentlemen's agreements" and unwritten laws. It is often as difficult for him to understand their real spirit and working, at least unless he gains practical experience on the spot, as it is for most foreigners to understand the spirit and working of the largely unwritten British parliamentary constitution. And even when he achieves this understanding, and desires to apply the institutions he has grown to admire, to his own country, he finds behind him the ordinary tribal chief or elder who may wish for no more than a good share for himself in a gradually rising standard of living, and the maintenance of the settled order —rather like a Liberal squire of the eighteenth century. Below him the uneducated peasant hardly formulates conscious aspirations at all, other than for connubial felicity and good crops or an easy and safe job. It is against obstacles such as these that the educated colonial must struggle.

In Africa it is not only the different history and tradition which must be reckoned with, but the difference in the whole pattern of social relationships. The basis of African society is the family (immediate and extended) and the political structure has developed out of this unit. "In the family, the elders discuss family affairs and the house-father in council with the elders approves their decisions which then must be obeyed by all members. In turn, when the head of the family attends the village council, he becomes one of the elders, who, with the family heads, discuss village affairs for the chief (village head) to approve. So throughout the system of State

and divisional councils the lines of communication are held between family and State."*

There is a great variety in kinds of chieftainship and Councils of Elders—hereditary chiefs, hereditary councils, non-hereditary chiefs and councils, and tribes with councils but without chiefs.

Thus what we call " local government " in Africa is, in reality " tribal government." This tribal government does not correspond, in its essence, to our city or village government, but it is really a small-scale and primitive form of State government, but it is really a cepts and functions (the enforcing of taboos, the dispensing of tribal justice, the acceptance of services or gifts) of quite a different nature from the maintenance of order and decency and social services—which is the function of British local authorities. Yet it is on these very tribal authorities that the status and powers of local administration are now increasingly being devolved. They are expected to organize a whole range of social services and an equitable taxation system, and to run a Treasury on European lines. In some areas the traditional native institutions have proved quite ineffective for these purposes. An artificially created Council system has then been evolved for the tribe, or grafted in some way on to the traditional structure.

It is bound to take time before the inevitable stresses which result can work themselves out, and until one can pass judgment as to how wise it was to attempt to apply forms which sprang from other conditions in other lands. This is a problem on which no easy dogmatism—one way or the other—is possible. One can only register that to-day it is the concept of British administration that these things can be learnt, albeit with modifications; and once that is accepted, progress should not be delayed.

We should not expect colonial systems to pass through as lengthy a development as the British system: lessons learnt by others and techniques discovered can be utilized—so runs the present British philosophy—and that is the justification for any European intervention in these matters at all. So it is that under the pressure of educated Africans, who desire the best in Western society, and with the assistance of British officials who wish to administer in accordance with the standards in which they themselves have been nurtured, a complicated machinery of administration is being laid down, with previously unknown functions and powers and procedures.

Outside Africa there is no tribal society to complicate the applica-

* Paper on " Local Self-government in British West Africa." Issued by the Central Office of Information, 30.8.47, p. 5.

tion of British methods, yet we find that, although they may have been imposed in outward form, they have little body and no real roots. The spirit of democracy is lacking, the community-consciousness, the tradition of public service, the capacity for self-administration. There has not been the political development *at the centre* in these territories, without which political progress in the localities, seems unable to flourish. But here the time is ripe for a change, and every year may be expected to bring significant advances: it is all part of the political ferment in which, to-day, every Colony is caught up.

Yet, ultimately, it is not possible for the transformation which everyone desires, to be achieved without a genuine effort by the body of the people. In Britain, local government advance was not imposed from the top, but fought for from below—as we have described in the preceding chapters. In too many cases in the Colonies progress in these matters is still planned from above. Political agitation —as we have already pointed out—concentrates on the State power at the centre—and few care about the form of Government on the periphery. While this continues there is little that even the most benevolent government can do. It can transplant the outward form of English local government, but it cannot transplant the underlying purpose.

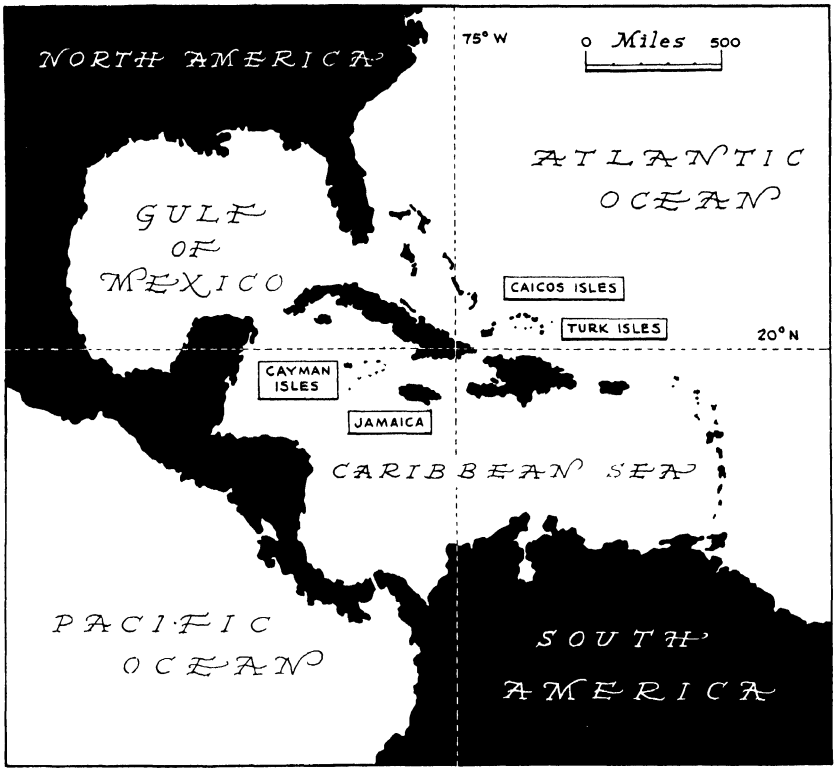
It is easy to preach the virtues of local government and to advocate the qualities of the successful councillor and the perfect citizen. It is less easy to propound practical measures for advance, particularly for areas such as the African Colonies. Local government, even more than central, deals with human material at close quarters, and it is intractable material often enough. Two special difficulties may arise: first, a legacy of class or race hatred or tribal prejudice, rooted in history, and rendering any action liable to distortion and misrepresentation. Old sins are raked up, old grievances inflamed, the possibility of genuine good intention is disbelieved. The second difficulty lies in the hostile natural conditions of the Tropics. The vicious circle of poverty, disease and ignorance has not yet been broken, and until it has, constitutional progress is bound to lack any immediate reality.

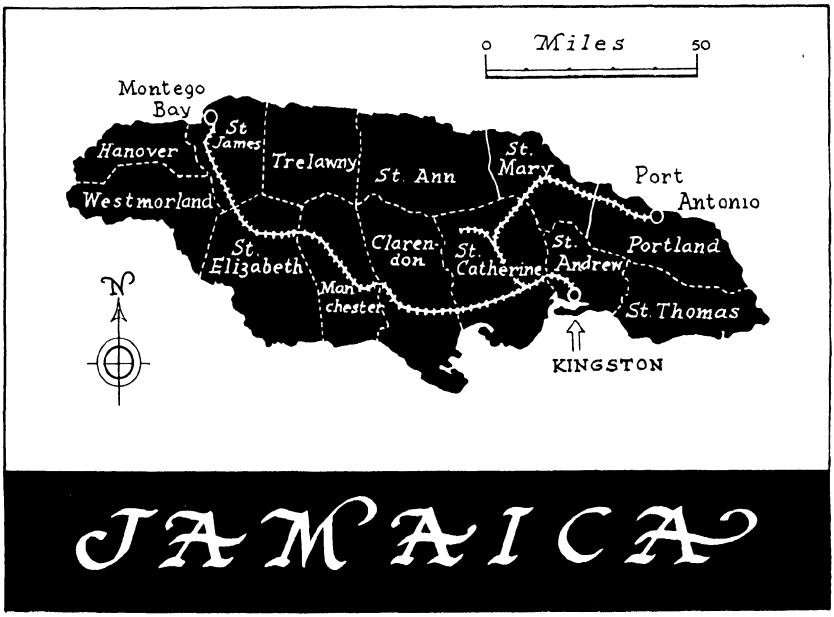
These difficulties are not confined to the Colonies. They still exist, in varying measures, in Eastern Europe and South America, not to mention the vast stretches of independent Asia. There have been many attempts to apply Western democratic forms in the Balkan countries and in Latin America, yet few of them have been successful —there were not the predisposing conditions. This is a sobering

thought for colonial leaders, ambitious for progress in their countries, and for colonial administrations anxious to push ahead. It is sobering, not in the sense that Western forms should not be applied, but in the sense that as much attention must be paid to the *spirit* and *content* of political institutions, as to their formal constitutional façade.

PART TWO

THE SITUATION IN INDIVIDUAL TERRITORIES


NORTH AMERICA
75° W
0 Miles 500
ATLANTIC OCEAN
GULF OF MEXICO
CAICOS ISLES
TURK ISLES
20° N
CAYMAN ISLES
JAMAICA
CARIBBEAN SEA
PACIFIC OCEAN
SOUTH AMERICA


0 Miles 50
Montego Bay
St James
Hanover
Trelawny
St. Ann
St. Mary
Port Antonio
Westmorland
St Elizabeth
Clarendon
St. Catherine
St. Andrew
Portland
Manchester
St. Thomas
KINGSTON
N

JAMAICA

CHAPTER IV

JAMAICA

BACKGROUND

THE COLONY OF JAMAICA lies in the Caribbean Sea. It is the largest of the British West Indian islands, and is of great scenic beauty, crossed in all directions by mountains. Of the total area of 4,013 square miles, which is equivalent to about half the area of Wales, 3,680 are described as mountainous, 83 are covered by swamps, and only 250 are flat lands. The dependencies of Jamaica —the Caymans and the Turks and Caicos Islands—have a total additional area of about 250 square miles.

The Island has had a less chequered history of occupation by rival colonial powers than have most of the West Indian islands. First discovered in 1494 by Columbus on his second expedition to the New World, it was a dominion of Spain until taken by a British naval force in 1655, since when it has remained continuously a British possession, although formal cession did not take place until 1670. It is thus one of the oldest of British dependencies. First prized mainly as a base for the buccaneers who sailed out to plunder the Spanish treasure ships during the intermittent wars with Spain, the island became after 1713 the depot for the trade in slaves with the Spanish mainland colonies (which was permitted under the Asiento treaty) and an important source of supply for the Mother Country of sugar, coffee, spices and other tropical products—but chiefly of sugar. The development of sugar production, indeed, determined the future course of Jamaica's history—the type of settlement which was to prevail and the racial and class composition of the population.

> Settled originally as a genuine colony, Jamaica was, during the course of the eighteenth century, transformed (in its occupied parts) into an aggregation of large plantations worked by slave labour for the profit principally of absentee English owners, who took no more part in the direct management of their properties than do shareholders in industrial investments to-day."*

The importation of negro slave labour from West Africa had been

* Lord Olivier in "Jamaica: the Blessed Island," p. 18. (Faber and Faber, 1936.)

begun by the Spaniards as early as the first decades of the sixteenth century, after the complete extinction of the small numbers of aboriginal inhabitants, but it was not until the extension of sugar production with the suppression of piracy in the eighteenth century that there began in real earnest that development which was to lead to the situation which we know to-day, when the peasants form the solid base of the population, with the "whites" a tiny minority. Eminently suited, by climate and natural resources, to become a Colony of white settlement, Jamaica had become instead, by the close of the century, the home of a very small number of resident white planters and their families, a larger number of white or coloured estate managers and attorneys, together with overseers and book-keepers, and a vast majority of imported West African slave workers.

It was during this period that there became fixed certain patterns of social behaviour which persist to this day, and which now cause grave anxiety as the root of urgent social problems. The institution of marriage was discouraged among the slaves—as was the pursuit of education and, indeed, any attempt by these unfortunates, or their well-wishers, to raise themselves above the level of domestic animals—and an active example to the contrary was set by the white "plantocracy," to which the large coloured population traces its ancestry.

This disregard of the legal tie has persisted among the mass of the population to this day, to which fact the very high illegitimacy rate bears witness; and the result may be seen in such obvious social ills as the pauperization of women compelled to keep families (and possibly large ones) by their own exertions, the lack of parental training and discipline of children, often the material neglect of children, and the destitution of old people for lack of a stable family group.

The Emancipation of 1834—bitterly opposed by the majority of the local "plantocracy" and the absentee owners in Great Britain —destroyed the old foundation of Jamaican society and radically altered the very appearance of the Island. After the brief "apprenticeship" period, which owing to its manifest abuses was terminated in 1838, thousands of ex-slaves removed from the plantations and bought, rented or "squatted" on land in the interior of the country. From this time forward many sugar estates went out of cultivation, a movement which was due not only to the withdrawal of a cheap and assured labour supply, but also to climatic changes, soil exhaus-

tion, monetary inflation, and, later, competition in the British market with cheap slave-grown sugar from Cuba and Brazil.

The pattern of agricultural settlement which we know to-day was set at this time. It consists, on the one hand, of a large number of small farms and holdings, some furnishing a livelihood to their operators, others—the majority—much reduced in size through continual sub-division, and providing a basic income which has to be supplemented by wage-work of one kind or another. On the other hand, there is a comparatively small number of estates. The estate remains still the predominant economic unit, whether it be small (around 300 acres) and locally owned and managed, or large and administered by the paid agents of London companies. The decline in the fortunes of the sugar estates after 1838, though it affected the peasant mountain settlers to a lesser degree than the white community, reflected itself in the general impoverishment of the Island; but towards the end of the century this was offset by the development of other tropical products, chief among them the banana, lending themselves to small-scale cultivation. Thus in Jamaica sugar has come to play a secondary role in the Island's economy, as is shown by the percentage figures of exports just prior to the late war, when bananas constituted 55%, while sugar and rum accounted for only 18% and 5% respectively, with coffee and pimento coming next in value.

Agriculture remains the chief source of livelihood for the vast majority of the people, employing, according to the census of 1943, 44% of the working population. It is over three times as large an employing industry as all manufacturing industries together, and over five times larger than either trade or constructional industries. There has, however, been a certain development of secondary industries for the processing of local products, and this has been intensified under the stimulus of war shortages of imports. Many observers see in this beginning hope for the future solution of the Island's most serious economic problem, that of underemployment, both urban and rural. Wage rates, especially for landworkers, have remained at a low level, though more advance has been shown in this direction in Jamaica than in the West Indian islands generally. But less hardship has resulted from low wages than from the casual nature of employment, not only in urban areas but also in the countryside. Under such stimuli a considerable trade union activity has grown up among workers, and working-class organization has extended into the political sphere to some effect—witness the victory

of the "Labour" Party at the first elections held under the new Constitution of 1944.

One of the distinctive characteristics of Jamaica which this Constitution, with its grant of general adult suffrage, throws into sharp relief is the comparative absence of inter-racial antagonisms, which in other societies of mixed origins (for example, British Guiana) reflect themselves in opposition by one racial group to extensions of the franchise which would bring into the political arena representatives of another group, or in demands that elections should be held on the basis of communal voters' lists. Yet the Island population is not strictly homogeneous. Of the total of 1,237,063 persons recorded at the 1943 census, 78.1% are described as Black, 17.5% as Coloured, 0.4% as White, 0.6% as Chinese, 0.4% as Chinese Coloured, 1.7% as East Indian, 0.4% as East Indian Coloured, 0.1% as Syrian, 0.8% as belonging to "other races," while Syrian Coloured persons and those of races not specified constitute a very small percentage. To add to this picture of diversity, the white population is itself of varied origin, for besides English, Scottish and Irish settlers, immigrants have come at different times and in varying numbers from European countries and from the American continent. This "happy exemption" from the social prejudices and civic discriminations common in mixed societies of European and African origins was attributed by Lord Olivier, mainly to three strains of influence—the resolutely independent character of the African spirit, the religious influence of evangelical Free Church Christianity, and the possibility which existed in Jamaica, as an exception among the ex-slave territories, for the black people to maintain themselves to a large extent independent of wage employment because of the availability of land on which to raise a subsistence; and "contributing to this elimination of colour difficulties has been very importantly the history and character of the numerous class of Jamaicans of mixed descent and the efficient and indispensable part they have played in the developing life of the Island community."* The position is, however, complicated by the fact that class divisions tend to correspond with racial divisions—it has been said that in the Island a black skin is an unmistakable mark of a working-class origin—so that economic issues between the classes may, to an outside observer, appear to have something of a racial character.

Perhaps the degree to which Jamaica has outstripped its fellow-Colonies of the West Indies in the advance towards self-government

* *Op. cit.*, p. 432.

is not unconnected with the fact that the Island has a long tradition of local government on the British model, which has provided a training-ground for the exercise of wider governmental powers. It was natural that the early settlers should have brought with them ideas on local government which were current in their home country, and equally so that the unit of administration adopted should have been, after the declaration of the Church of England as the established Church subsequent to the Restoration, identical with the parish, in accordance with English practice. In the early days the exercise of local self-government was naturally confined to the free-born population; but with the end of slavery, the development of property-holding by ex-slaves and the extension of settlement over the Island, the participation of at least a section of the black-skinned majority became inevitable. That the local institutions modelled on those of a country where they were the product of very different conditions and the result of slow growth should have taken root and maintained an existence in this Island, where the vast majority of the population are of African descent, is a tribute to their flexibility. It must, however, be largely attributed to the fact that under slavery the original African social organization, where such existed, had been destroyed and its tradition lost, so that there was no strongly entrenched institution such as the chieftainship standing in the way of the adoption of a more modern form of organization.

MUNICIPAL GOVERNMENT

The Island, itself only about two-thirds of the size of the largest English County, Yorkshire, is divided into three Counties—Surrey, Middlesex and Cornwall, but these divisions have no significance for local government purposes; they were made in 1758, with a view to a more convenient holding of Courts of Justice. For municipal purposes the significant divisions are those of the Corporate Area of Kingston and St. Andrew and the twelve parishes. Another institution modelled on English practice is the office of Custos Rotulorum, which is still maintained. There is one Custos in each Parish. He is the Chief Magistrate of the Parish, and has a standing similar to that of the Lord Lieutenant in an English county. He represents the Governor within the parish, and is responsible for the preservation of law and order and ensuring the peace in the parish. He recommends the persons to be appointed to the Roll of Justices of the Peace, and he is expected to arrange the roster of Justices and to see that there are a sufficient number in attendance at the meetings

of the Court of Petty Sessions. Unlike the English Lieutenant, however, he has a place directly within the local government system, for he is ex-officio a member of the Parochial Board which administers the parish.

Kingston and St. Andrew

The Corporate Area of Kingston and St. Andrew is an amalgamation of two parishes, and is divided into an urban, a suburban and a rural district, with a total population of over a quarter of a million. It is governed by the Council of the Corporation, elected and operated very much on the lines of a Borough Council in England, and consisting—since the new law of 1947—of twenty-one members. There are thirteen elected Councillors, two Custodes, and six members of the House of Representatives. Members of the House of Representatives representing the parishes concerned are automatically members of the Municipal Council. Women are eligible for election on the same terms as men.

Since 1947 the franchise has been extended to men and women on equal terms. A voter must be a British subject by birth or naturalization, under no legal incapacity, and of the requisite age of 21. He must have been resident in Jamaica for twelve months preceding polling day, and ordinarily resident in the electoral division where he is to vote. Until 1947 the receipt of parish relief was a disqualification from voting, bearing very hardly on a great number of the poor. This disqualification has now been eliminated.

To be eligible for election to the Council a candidate must be a registered voter, able to read and write English, and he must have resided in the Corporate Area for twelve months immediately preceding the day of election. Until 1947 property qualifications were also applied, but these are now abolished.

Elections for the whole Council take place every three years. The Mayor and Deputy Mayor are elected annually from among the Councillors, and the Mayor receives an allowance of £500 annually from corporate funds. Councillors and elected officers are all eligible for re-election. Absence from three consecutive meetings of the Council, which must be held once a month, results in disqualification. The Council is empowered to function through Committees on which persons not members of the Council can be co-opted, and the appointment of one Committee—the Corporation Fire Committee for the management of the Kingston and St. Andrew Fire Brigade —has been compulsory since 1942. Appointments to and removals from the office of Town Clerk, City Treasurer and City Engineer

are subject to the prior approval of the Governor, as also are all appointments carrying a salary of £350 a year or more.

In common with municipal bodies everywhere, the Council has power to make bye-laws for good rule and government, the prevention and suppression of nuisances, etc., subject to the approval of the Governor in Privy Council; in addition, it has power under the Kingston Police Law to make and alter, with the same approval, regulations on a variety of subjects, such as traffic, street noises and advertisements, etc., including the prohibiting and/or regulating of the holding of meetings in any thoroughfare or public place. The Mayor may himself make temporary regulations, in an emergency, with respect to the assembling of crowds. Pounds, cemeteries and poor-houses are vested in and under the control of the Council, which also has occupation, management and control of public markets, slaughter-houses and gasworks; these, however, remain vested in the Island's Colonial Secretary, and do not form part of corporate property. Water supply and sewerage are not the direct responsibility of the Council, but are entrusted to a Water Commission of nine persons on which the Council has a minority representation consisting of the Mayor and three other members of the Council elected by that body. The Council is, however, entrusted with the granting of poor relief—a somewhat onerous responsibility in a port like Kingston, where casual employment of dock labour, etc., is a serious problem—in addition to the more usual duties of refuse disposal, cleaning and lighting of streets, etc. Central control over the operation of the Council is ensured by the power entrusted to the Governor in Privy Council to dissolve it in case of persistent neglect of its duties or similar misconduct and to appoint in its place such persons as he thinks fit, subject to the proviso that a new election must be held within two years if not sooner.

The Parishes

Unlike their counterparts in Britain, the Island's parishes have undergone changes of area in accordance with alterations in the pattern of settlement. An enactment of 1677 established fifteen parishes, which were to remain unaltered "for ever." But as needs changed, so the number of parishes was increased until it reached a maximum of twenty-two, which was in turn reduced in 1867 to fifteen. In 1947 the Parish of Port Royal was abolished.

To-day, each parish is administered by a Parochial Board, consisting of up to twenty-one members, of whom the Custos and the

members of the House of Representatives for the parish are *ex-officio* and the remainder are elected. The franchise is the same as in Kingston and St. Andrew, and the qualifications for eligibility have been amended so as to eliminate financial and property tests. Elections take place triennially. Each Board elects annually its own Chairman and Vice-Chairman. Until 1947 there was no universal suffrage and property qualifications were required for eligibility.

The details of the Parochial Boards, and the number of elected members on each, are given in the table.

JAMAICAN PAROCHIAL BOARDS, THEIR DIVISIONS AND MEMBERSHIP

Parochial Board	Area Sq. Miles	Population (approx.)	Divisions No. of Members
1. St. Thomas	300	61,000	16
2. Portland	329	61,000	15
3. St. Mary	252	91,000	15
4. St. Ann	480	96,000	17
5. Trelawny	352	48,000	16
6. St. James	240	64,000	15
7. Hanover	177	52,000	13
8. Westmoreland	320	90,000	15
9. St. Elizabeth	474	100,000	17
10. Manchester	339	93,000	16
11. Clarendon	467	124,000	14
12. St. Catherine	483	121,000	17

Meetings of the full Board are held once a month —absence from six consecutive meetings disqualifies—and the Committee system is in operation. Each board employs a Clerk, whose appointment and dismissal is subject to the approval of the Governor in Privy Council, and other staff as necessary.

The boards have powers and duties (including power to make bye-laws and regulations) similar to those of the Kingston and St. Andrew Corporation—upkeep of secondary roads, cemeteries, markets, pounds, poor-houses, street lighting, water supplies, etc. Like the Corporation, they are the Local Housing Authorities and Local Health Boards under the Island Housing and Health Laws. The Governor in Privy Council has powers similar to those in the case of Kingston to dissolve and replace Boards in the case of maladministration. A model Parochial Code is now being formu-

lated for the assistance of Boards, and all Boards have recently adopted a model form of Budget.

Finance.

Financial control by the central Government is ensured by the audit of accounts by the Auditor-General, and by the statutory obligations on local authorities to submit their annual estimates of revenue and expenditure to the Island's Revenue Commissioner for the approval of the Governor. The practice has been for the officials of the Treasury to meet representatives of the local authorities to discuss the estimates before they are finalized and submitted to the central government official in the Secretariat. The main sources of revenue for the year 1942-3 are shown in the following table (later years show no significant changes except for an increase in Government grants):—

Source	Kingston and St. Andrew Corporation		Parochial Boards	
	£	%	£	%
General Rate	150,500	47.78	159,012	51.60
Utility Rates	32,100	10.08	32,513	10.52
Markets and Slaughter ...	26,175	8.22	17,572	5.52
Rents, House Fees, etc. ...	11,896	3.74	4,200	1.32
Gasworks	26,420	8.29	—	—
Licences	48,020	14.13	43,914	14.20
Government Grants ...	26,423	8.29	51,494	16.68
	£318,534	100.00	£308,705	100.00

The central government revenue in the same year was £3,337,830.

It will be seen from the figures in the above table that the main source of local government revenue is the local general rate, which amounts to about one-half the total revenue in each case. Rates levied on public utilities, and the market and slaughter-house fees, account for a further 18% and 16% respectively. The Parochial Boards have no gas undertaking of their own, but the Kingston and St. Andrew gasworks is operated by the Corporation, which accounts for 8.29% of the Corporation revenue.

With the exception of the last two items in the above table—licences and government grants—the rest are regulated by each local authority's bye-laws. The local authorities receive the revenue from licences, the bulk of which is made up of motor licence fees, but

these are collected by the Island Collector General as an administrative convenience.

Government grants fall under four main heads:—

1. Grants made towards the cost of local administration.
2. Grants made in replacement of revenues formerly accruing to local authorities, but subsequently transferred to the central government exchequer.
3. Grants towards the cost of certain specific services, e.g., Dental Clinics; and
4. Contractual grants, e.g., payments in lieu of rates on government property, and compensation to local authorities for amounts paid on dutiable articles purchased in the Island.

The amounts "granted" under the four headings named are shown in the following table:—

GRANTS BY THE CENTRAL GOVERNMENT TO LOCAL AUTHORITIES IN JAMAICA, 1942-1943.

	Kingston and St. Andrew Corporation	Parochial Boards	Total
	£	£	£
General Administration ...	—	31,000	31,000
Replacement	16,058	20,457	36,515
Contributions	4,500	1,491	5,991
Contractual	19,193	7,733	26,926
	39,751	60,681	100,432

It will be seen from this that Kingston and St. Andrew no longer has the advantage of any grant towards administration. As far as the Parochial Boards are concerned, the grants are not made on any formula. The amounts allocated to each Board are decided by the government. The second form of grants, the replacement grants, are only temporary, although there is as yet no sign of their being reduced or discontinued. Government contributions in the third group are made in respect of street improvement and upkeep, half of the cost of dental clinics, and of latrines for poor persons, together with smaller grants for miscellaneous purposes. The statutory, or contractual grants are made up of amounts payable in respect of property tax, reimbursement for amounts paid on dutiable articles, and a contribution towards the cost of the Kingston Fire Brigade, of whose services the central government has the advantage.

Expenditure in Kingston and St. Andrew is along the following pattern (the latest available figures—estimates for 1947-8—are taken):—

	£
Debt Charges	60,020
Personal Emoluments	100,916
General (largely war bonus)	62,892
Roads	47,440
Cemeteries	3,032
Poor Relief	82,820
Public Health	11,264
Transport and Cleaning	45,750
Darling Street Depot	250
Protection of Property	7,174
Building Inspection Surveys	1,050
Bournemouth Baths	8,882
Stores Management	490
Street Lighting	12,988
Subventions	4,018
	448,986

Personal emoluments are all lumped together under the second item so that the remaining figures represent net expenditure on Poor Relief, Public Health, etc., without any personal emoluments. The weight on the first three items is, nevertheless, disturbing.

PROPOSED REFORMS

Although originally modelled on the English system, local government in Jamaica has not kept abreast of the changes, both in structure and functions, which that system has undergone in England during nearly three centuries. Its structure—at least as regards franchise, and eligibility of members, was improved in 1947, but as regards functions it is still far from satisfactory. Since the Island as a whole is not much larger than many English counties, it was only to be expected that some services and functions which are in England the concern of local authorities should have been retained by the central government. Thus certain all-Island services such as education, police and hospitals are borne wholly by Government funds, and poor relief is under the central control of a Board of Supervision. While the central operation of some of these services

is justified by their nature, it cannot be denied that the local authorities have not so far proved themselves capable of undertaking greater responsibilities even where this is made necessary by the nature of the services.

Housing, for example, is one of the Island's most urgent problems; it may be of interest to quote from the Report of the 1938 West India Royal Commission a passage describing conditions in one part of Kingston, conditions which have persisted over a long period:—

> "In a part of Smith's Village on the outskirts of Kingston in Jamaica we found large areas covered by ruinous shacks, none of which could have escaped instant condemnation in this country even under standards long since abandoned. The conditions of squalor almost beyond imagination are accentuated by appalling overcrowding. Whole families—father, mother and numerous children—have their meals and sleep in one small room; such is the pressure of poverty that when a second room is available, it will often be sublet for the sake of the few shillings which are thus obtained each month. Often the only available source of water supply for large numbers of these dwellings is cut off for a long period of each day. Not unnaturally many of these 'properties' are focal-centres of disease and crime, and all of them appear to be neglected by their owners who spend nothing on even the crudest maintenance."*

And lest it should be thought that these conditions are confined to urban areas generally or to the ancient seaport city of Kingston in particular, the following remarks may be quoted from a recent report:—

> "Rural housing in Jamaica is admittedly one of the worst features of the national life. Other countries can rival and possibly exceed the worst of our urban slum areas; there can be few countries where the overall state of rural housing is worse than it is in Jamaica."†

While conditions such as these arise out of circumstances outside the sphere of local authority responsibility and must thus be attacked at the root by the central government, if at all, local authorities are eminently suited to the detailed tasks involved in a major rehousing programme.

From their past record it does not appear that the local authorities as at present constituted and financed are capable of playing their part with the requisite vigour and efficiency. In view of these and

* "Report of the West India Royal Commission," Cmd. 6607, Ch. ix, p. 175.
† "Report of the Agricultural Policy Committee of Jamaica," Kingston, 1945 (para. 66, p. 25).

similar problems it was decided, in 1942, that an expert inquiry into the whole question of local government organization and the relation between central and local government was necessary. The outcome of this inquiry was the Hill Report of 1943.*

The Hill Report mentioned three lines of approach to the reconstruction of local government in Jamaica. In the first place, it stressed the absence of a clear demarcation of functions as between the central and local administrations in the Island, and suggested that the respective fields of action should be more clearly defined. It approached the problem of areas in the unusual way of dealing with functions first, believing that the adjustment of boundaries would then present an easier task. The second point was to divide the all-Island Services between central government and public corporations, which in turn would help to solve the third problem of allocating to municipalities those services which could best be handled by them.

The Report took the rather unorthodox line of rejecting the current theory of taxation and came down in favour of everyone's paying at least something towards municipal expenditure in a direct way, as a sound method of creating a sense of citizenship and civic responsibility. The wisdom of this course was emphasized in the recommendation that the municipal franchise should be extended to all adults in the same way as the new voting powers given to the Islanders for the election of their House of Representatives.

In order to justify local administrative control, a considerable proportion of the essential revenue should be found by the local authorities themselves, but this in turn requires that each local authority must have an area of jurisdiction large enough and containing a population of sufficient size, to make the collection of adequate revenue possible.

To implement this last point, the Hill Report recommended that, while the Kingston and St. Andrew Corporation should be retained in its present form, there should be a complete reorganization of the other local authorities. Instead of the then thirteen Parochial Boards, it recommended that eight new Municipal Councils should be set up and Montego Bay, the chief tourist resort on the north coast should be made a Borough; that the first unit of administration should be District Committees within each municipal area. The proposals suggested the creation of over 100 district committees or boards elected triennially on the basis of universal suffrage, and proposed

* L. C. Hill, "Report on the Reform of Local Government in Jamaica, Kingston, 1943.

that the new Municipal Councils should be made up of members of the District Committees appointed by these latter bodies. The structure would then be something like this:—

Kingston and St. Andrew Corporation	*Montego Bay Corporation*	*Eight Municipal Councils*
Wards	Wards	District Committees

The third principle with which the Report dealt was the matter of the contractual grants made by the central government to the local authorities. It suggested that these grants were sound in principle; but recommended three alterations:—

1. The extension of these grants to include agreed sums of rates on railway property, at present exempt.
2. The revision of the grants paid in compensation for excise, etc.; and
3. That grants made by the central government to replace certain revenues, and the contributions made by the Government to local services, be discontinued.

The report recognized the ever-growing influence of central government on local administrative responsibilities and the need for some form of central control over efficiency and integrity; it therefore suggested that instead of the existing system of assistance, replacement and contribution grants, there should be a new system of grants made specifically towards the cost of such services. It recommended that the central government should make a percentage grant of the total expenditure of the local authorities in respect of public health and poor relief, in the following proportions:—

	Public Health	*Poor Relief*
Kingston and St. Andrew Corporation ...	25%	25%
Parochial Boards	50%	50%

In addition, it recommended that the central government should undertake the responsibility for the administration of all sick relief, thus relieving local authorities from a considerable portion of expenditure now incurred under the heading Poor Relief.

The amount of support for the Hill Report amongst the Parochial Boards and other groups and associations was heavy; one point on which there was wide difference was the percentage grants-in-aid, many thinking the percentage should be higher. But whilst the Report was presented on the 31st December, 1943, action on it has been hesitant and delayed, due mainly to the more pressing problems arising out of the new Constitution taking up the time of the Government.

This inquiry did, however, make one thing clear. Whilst a fair measure of local government has existed from the earliest days of the British settlement, it has not been used as effectively as it should have been. During the present century both the Kingston and St. Andrew Corporation and the Parochial Boards have been threatened with curtailment if not complete abolition because of their loss of prestige in Government eyes. The Hill Report endorsed this point in the following words:—

> "Local government is not new to the Island. The Kingston and St. Andrew Corporation and the Parochial Boards are established institutions. A fairly large number of representative citizens are familiar with a local government procedure which follows closely the English system. It is for that reason that I have refrained from introducing anything with which the Aldermen and Councillors are unfamiliar. But there is evidence that the elected members of the Municipal Councils have, in the past, failed on many counts to grasp their opportunities to improve the conditions of the people and for that reason alone has Government been compelled to take over much of the public health work."

The indolence of the Parochial Boards has played into the hands of the Central Government officers, who quite naturally have been only too anxious to keep all forms of administration into their own hands, particularly the Medical Department. But they have not always taken over "the bad with the good," as instanced by the Medical Department's readiness to run all the general hospitals and the Ministry of Health and Sanitary Services, but to turn a blind eye to the parochial board poor law hospitals, many of which are a disgrace.

The theme of the Hill proposals was that local government should be strengthened and made to stand on its own feet rather than to lean so heavily for support on the central government, and that the local authority should be freed from overriding financial control by the Governor in matters such as the fixing of rates and raising loans. In other words, that local government should be fully responsible for its fiscal policy and only answerable to the Government in respect of expenditure of Government grants made to specific services. Mr. Hill argued that this is quite impossible while the existing uneconomical areas stand. The king-pin of his report was therefore the amalgamation of areas.

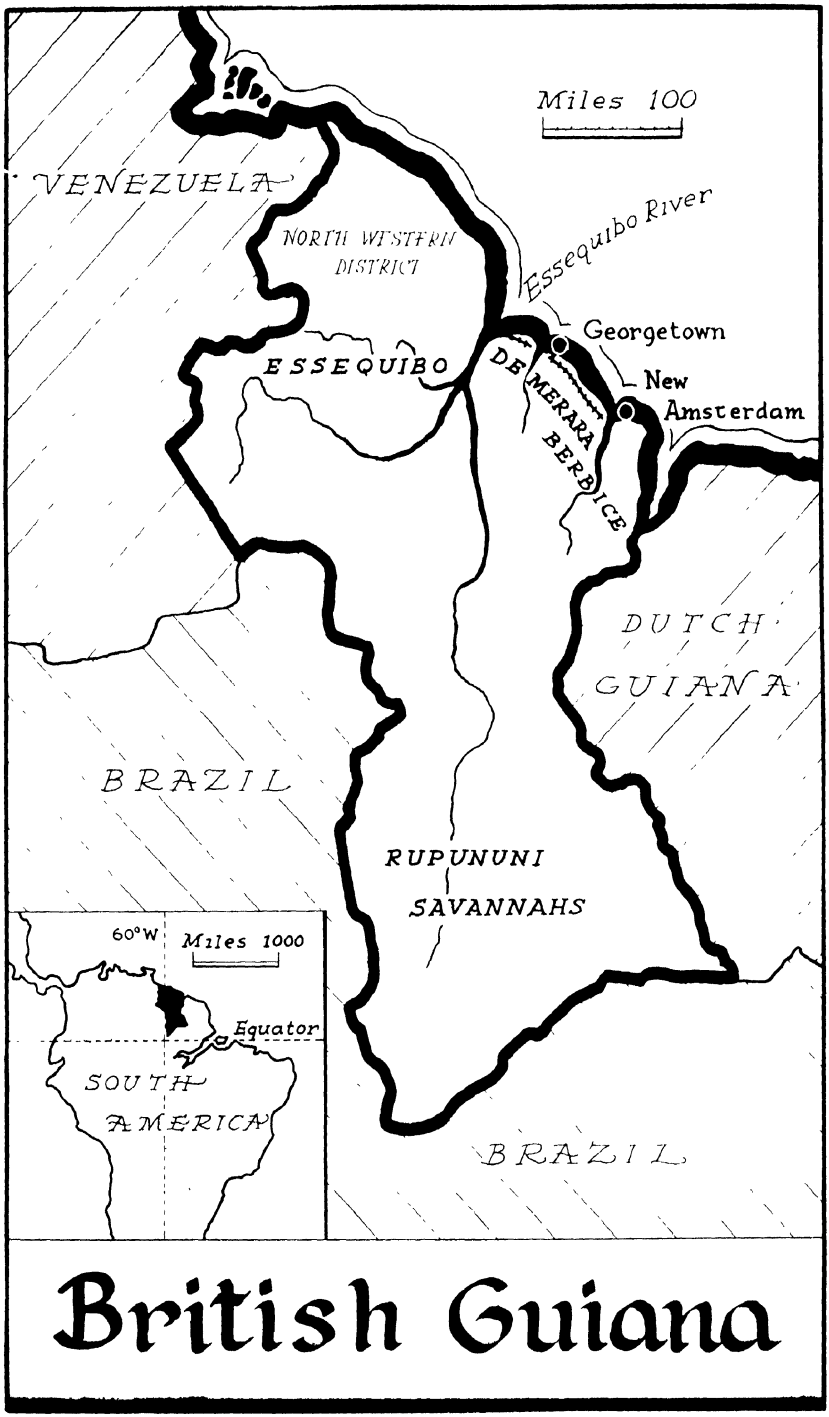
Redefinition of areas is always an unwelcome subject, particularly in local government circles. Hardly anything else draws the battle-line so clearly between the elements representing "what we

have we hold" and "we will contribute what we have for the good of the whole." There is always a mistaken belief that people will have to "give up something" if their area is amalgamated with another for local government purposes. In actual fact the experience of the past shows that instead of "giving up rights" they stand to gain very much more, as they share what they have and share in what the other area brings into the amalgamation. On this major point of amalgamation of areas no progress has yet been made.

On one other reform, proposed by the Hill Report, action has been taken—the creation of a separate Division of the Secretariat to deal with local government affairs. This was put into effect in 1946, and Jamaica's Annual Report for 1946 states that "the establishment of this Division which consists of an Assistant Secretary and eight others, has already resulted in a marked improvement in the handling of local government affairs in the Secretariat, and in the relations between central government and local government bodies."* The remaining recommendations were to be considered by the Council of Kingston and St. Andrew and the new Parochial Boards after the 1947 local government elections. The only further information contained in the 1947 Report was that "A regrading of the Senior and Clerical Staff of all Parochial Boards has now been effected. This regrading has revised and placed on a uniform basis the staff structure of all Boards, and secured for parochial officers salary scales, and leave, pension and disciplinary and other privileges corresponding to its Civil Service establishment."† Most of Mr. Hill's recommendations were still "receiving attention."

Under the old régime many people expressed their lack of interest in local government on the grounds that the system offered very little scope for responsible administration. Decisions taken at Parochial Board Meetings were almost invariably dependent upon the provision of funds, or on obtaining the central government's approval before they could be carried out. This stultified individual initiative and local enthusiasm. There is no doubt that there are numerous men and women in Jamaica capable and desirous of assuming responsibility for local government administration. But it still awaits reorganization in such a form as to enable local authorities of an efficient size to take over genuine responsibility for the services and common amenities of the locality.

* "Annual Report on Jamaica for the year 1946." (Kingston, Jamaica), p. 88.
† "Annual Report on Jamaica for the year 1947." (Kingston, Jamaica), p. 88.



British Guiana

CHAPTER V

BRITISH GUIANA

BACKGROUND

BRITISH GUIANA, the only British possession in South America, lies on the north-eastern coast of that continent. Its total area, 89,480 square miles, is roughly equal to that of England, Scotland and Wales. The country falls into two main regions, the Coastlands and the Interior. The former consists of a coastal belt, below or slightly above sea-level, and therefore needing protection from flooding by sea dykes and an elaborate system of drainage. This belt extends inland to a depth of from ten to forty miles, and has a total area of about 2,560 square miles. It is to this region alone that the present discussion of local government has relevance, for on it almost the entire population of the Colony is concentrated, with extensions for limited distances up the several large rivers and creeks and for comparatively short distances from their banks. Beyond lies the Interior, a great tract of country, mountainous towards the Venezuelan border and almost entirely covered in tropical rain-forest, but merging into broad grassy plains (the Rupununi Savannahs) to the south-west, towards the Brazilian border. The forests, indeed, cover 78,180 square miles, 87% of the total area of the Colony. The whole of the Interior is very sparsely populated; over large areas no population of any kind is to be found.

British Guiana as we know it to-day came into existence in 1831 as the result of the final union of three former Dutch colonies—Berbice, Essequibo and Demerara, sometimes known as the Three Rivers—which, first settled in the early part of the seventeenth century, changed hands more than once during the course of the colonial struggles which filled the seventeenth, eighteenth and early nineteenth centuries, and finally passed to Britain by treaty at the close of the Napoleonic Wars. The large number of Dutch place-names remain to bear witness to the long Dutch occupation, and the system of Roman-Dutch civil law remains in force to a large extent. But settlement in the formative years of the Colony's existence was by no means confined to people from the Netherlands. Up to the late eighteenth century the three Colonies were administered as proprie-

tary Colonies by or under lease from the Dutch West India Company, and mercantile interests demanded that the country should be settled by immigrants capable of developing resources—and of increasing the carrying trade by their demands for European manufactured goods. British settlers were to be found in considerable numbers by the middle of the eighteenth century, and were already in possession of some of the most valuable estates. But perhaps the most important of all the immigrants, for the future development of the country, were Portuguese (many of them Jews) from Brazil, who came about the middle of the seventeenth century at the invitation of the trading company then in control, and introduced the cultivation of the sugar cane. From this time on, sugar steadily increased in importance—there was already an export by 1670—until it came, by the time of the British administration, to dominate the whole economy, supplanting cotton, which was at one time a very important crop. To-day sugar is still the dominant factor in the Colony's economy, and there seems general agreement that it must continue so.

The census of 1946 showed the population of British Guiana to be 375,819, divided racially as follows:—

Africans and Mixed Races	49.5%
East Indians	44.0%
Amerindians (aborigines)	2.5%
Europeans (Portuguese)	2.2%
Chinese	1.0%
Europeans (other than Portuguese)	0.6%
Miscellaneous	0.1%

The racial composition is the direct result of the importation of labour for the cultivation of sugar (and in earlier times of cotton), first of negro slaves from West Africa—ancestors of the present population of " Blacks " or West Indians— and, after the abolition of slavery in 1834, of Indian coolie labour under the indenture system continuing up to 1917. The " Whites " are overwhelmingly outnumbered by the " coloured " population, which consists very largely of East Indians (indentured immigrants or their descendants, and so called to distinguish them from the West Indians) and the " Blacks." These two groups make up more than 90% of the total population.

The main occupation is agriculture, and of the crops grown sugar, before the late war, accounted for two-thirds of the total export trade of the Colony, and sugar products—rum and molasses—are

also an important source of income and employment. Sugar production is almost entirely in the hands of large estates, the majority of them controlled by a few large companies; in a report on the sugar industry published in 1945 it was revealed that only five estates are owned by local shareholders. Less than a score of large estates supply nearly the whole of the output, little more than 2% coming from small individual cane-farmers. Sugar employs, all the year round, over 20,000 workers in the field and over 4,000 in factories. The only comparable industry is rice, which has indeed completely supplanted sugar on the Essequibo Coast since the 1914-1918 war, and which occupies some 15,000 people in the field and more than 1,000 in rice mills. During the last war there was a rapid development of the bauxite industry (based on deposits in the Interior) stimulated by the war demands of the Allied Nations. Other fields of employment in the Colony are provided by the timber industry, mining, engineering, printing, commerce, and domestic service, but agriculture remains unchallenged as the principal industry.

The agricultural working population, scattered along the coastal belt either on sugar estates or in villages and hamlets along the coastal roads, can be divided broadly into estate labour on the one hand and small cultivators working on their own account on the other; there is, however, no clear-cut division. Estate labour consists partly of resident workers, living either in estate-provided barracks (" ranges ") or cottages, or in their own cottages on rented estate land; and partly of non-residents, many of them landless peasants from the villages and hamlets. In the year 1944 the total population resident on sugar estates was officially given as 71,434, many of this number (perhaps one-third) being children. 13,191 persons held 12,094 acres of rice land under the allotment system, 7,244 persons held 2,755 acres of provision land, and 3,769 persons grazed 12,800 head of cattle on estate-provided land.

The small peasant farmers, the second class, are of two kinds. There is the individual cultivator holding land under freehold or other secure tenure, but winning a living only with great difficulty because of the smallness of the average holding and its sub-division into scattered lots; and there is the small tenant farmer holding land from a large landowner. The production of rice is almost entirely in the hands of this type of farmer, perhaps as many as 15,000 working on their own account and even, at times, mainly during reaping, employing some field labour. Many of the independent cultivator class, especially among the rice farmers (for rice is a

seasonal crop), look to the sugar estates for employment as a supplementary source of income, and so provide some of the non-resident estate labour.

There are two further classes connected with the land—the large sugar producer (in normal times the chief taxpayer of the Colony) and the landlord group, controlling most of the land which produces rice, and deriving income essentially from rents, from the preparation of the crop for the market, and, in some cases, from trading. In many cases these landowners are financed by and largely indebted to merchants in Georgetown.

The highest proportion of the agricultural population is East Indian, the vast majority of sugar workers—most of the residents and more than one-half of the non-residents—being of Indian descent. They congregate chiefly in the coastal districts, where in places they form as high a proportion as 70% of the total population; only in the river districts at a distance from the coast are they less than 60%. The negro cultivator leans towards cane-farming and the growing of ground provisions and fruit, while the preference of the East Indian lies in the direction of rice-growing and the care of cattle; and these differences, together with the natural tendency for people of similar race, religion and tradition to congregate together have led to a degree of segregation of the two communities in their own villages and settlements, although people of all the constituent races of the Colony are to be found as agriculturalists in the villages and settlements of the Coastlands.

There has been a continuing increase, over the years, in the proportion of the population resident in the towns—about 80% of the population is urban. Moreover, as regards actual living conditions, the distinction between urban and rural cannot be clearly drawn. In a Survey published in 1945 the Tuberculosis Adviser to the Comptroller for Development and Welfare in the West Indies drew attention to the fact that many country villages classed as rural really represent urban slum conditions, with houses crowded together on small plots of land and a good deal of overcrowding in the houses. He also pointed out that the " ranges " in which many resident labourers and their families on sugar estates are still housed represent the worst kind of urban dwelling. His conclusion was that the proportion of the population which might truly be classed as urban was not far short of 50%. For purposes of local government, however, the distinction is between the two urban areas of New Amsterdam and Georgetown on the one hand and the areas classed as rural on the other.

HISTORY OF LOCAL GOVERNMENT

The history of local Government in the rural areas really dates from 1839, with the foundation of the first free villages after the Emancipation of 1834. During slavery the negroes had lived on the frontlands of the estates of their proprietors in negro " yards," while during the period of " apprenticeship " which preceded full emancipation they remained bound to the soil, occupying cottages and provision grounds rent free. But when, in 1838, this " apprenticeship " period came to an end the labourers became tenants-at-will of their plots, liable to summary eviction. The realization of this led to a movement among the freed slaves to acquire lands of their own, with the money saved during the apprenticeship, not as individual proprietors but in common ownership. From 1839 on, there was a rapid though limited acquisition of land in this way, the estates concerned being chiefly cotton estates (few with buildings of any value) which had gradually been abandoned since the suppression of the slave trade. Large numbers of negroes banded themselves together for the purchase in bodies of " shareholders," sometimes two or three hundred strong, and negotiations were carried on and the purchase money paid over by two or three leaders. Thus the property was conveyed in the names of these headmen, making them the sole legal owners, and leaving the subscribers, whose very names often went unrecorded, without any legal claim. This led later to difficulties over title, which had to be adjusted by legislation providing for the partitioning of lands bought in this way. At the outset, however, these troubles were unforeseen; the newly purchased estates were laid out in parallelograms on the seacoasts and for a short distance up the tidal rivers and allotted among the shareholders, and in the midst of these village lands arose nucleated villages or townships.

There was also a certain amount of settlement on the frontlands of sugar plantations; proprietors, desiring to attract resident labour, made available lands which they divided into small lots and offered on attractive terms. Later, too, came the East Indians, many of whom sought land to work on their own account after the period of their indenture had expired. They, too, founded settlements and hamlets in which they preserved to a large extent the traditional ways of village life of their native country. In these ways were formed many small centres which have since grown in size until many are now potential towns in area and population, reproducing many of the typical features of urban settlement.

The early village communities were faced with two main prob-

lems apart from that of title to the land, to which reference has already been made. The first most serious and abiding difficulty was that of drainage—which in the low-lying coastal areas is the very condition of existence. The estates which had been purchased were already provided with protective dykes and drainage systems, but the division of the area, formerly under one control, among a number of individual cultivators made some common system of management necessary. This the shareholders had to work out for themselves, in the absence of any outside guidance and any direct experience of such matters. Traces of the old West African village organization, which had been gradually broken down during slavery, had lingered into the early nineteenth century, and some of its traditions still survived, as evidenced by the spontaneous banding together for purchase and the trust shown to the negotiators. For the first few years, therefore, a rough and ready system of communal management was operated by the co-operation of the individual cultivators. This represented a considerable achievement, but it was not to be expected that the system would prove durable in view of the very difficult circumstances and the varying capacities and temperaments of the persons concerned. Any breakdown of the system, however, was likely to prove disastrous for the whole village community, for no individual cultivator could successfully cultivate his own land unless the entire drainage system was kept in order by co-operative effort. The need for some sort of village organization on a legal basis and possessed of powers of compulsion was therefore early recognized by the more far-sighted elements in the villages, and during the early years frequent appeals were made to the Government to pass stringent village laws under which all shareholders could be compelled to perform their share of the work.

But it was the second of the two main problems which finally induced the Government to intervene in village affairs. By law, all estate owners were obliged to maintain in repair the public road passing through their properties. The diffusion of ownership of an estate among many villagers naturally led to neglect of this obligation, and the legal remedy open to Government against the estate as a whole was impracticable of application in the case of a village. The first legislation affecting villages was therefore Ordinance 18 of 1845 " to make provision for keeping in repair the line of public road and bridges passing through and over the frontlands of " certain plantations forming a village area in Essequibo, the provisions of which were subsequently applied to other villages. This, the first attempt to provide a village organization by legislative action, pro-

vided for the election by the body of village proprietors of two Commissioners empowered to assess and levy a rate for the maintenance of the road.

In 1850 came the first attempt to establish a general administration for drainage and sanitary purposes throughout the Colony (i.e., the Coastlands). A Central Board of Health was established for Demerara and Essequibo combined, and another for Berbice (these three formerly independent Colonies having become the three counties of the united Colony). These two Boards were given supervision over nominated Local Boards of Health composed of parish vestries together with " the medical gentlemen " residing in the parishes. In 1852 this Ordinance was replaced by another setting up a single Board of Health in Georgetown with supervision over local Boards of Health, consisting of the rural parish vestries. These Local Boards were given power to establish a general system of drainage for their several districts and to make and enforce sanitary regulations within their villages, provision being made for the declaration of new villages in order to bring new areas within the scope of the regulations. The hitherto nominated vestries were intended to become elective instead, and provision was made that when this change was accomplished by legislative action the Local Boards of Health should become entitled to levy rates. No such change was in fact ever made; and the machinery of rural administration envisaged by the framers of the Ordinance never came into general operation.

These were the first steps in the creation of a local government structure for the Colony; for the next half-century Government policy as expressed in legislation wavered between approval and rejection of the elective principle in village affairs, between a complete lack of effective machinery for co-ordination and supervision at the centre and the creation of a cumbersome, top-heavy administrative machine which had the effect of stifling all action at the village level. Moreover, there was from 1866 until 1892 a duality of control at the Government level which acted as a further brake on progressive action; and throughout the period large areas of the inhabited Coastlands were in effect left without any machinery of local government, and were administered (if at all) directly by a Central Department.

A brief outline of the legislation affecting local government during this period sufficiently illustrates the changing policy of Government. As has been shown above, the 1850 Ordinance provided a Central Supervisory Department and entrusted the local administration to

non-elected Local Boards, while the 1852 Ordinance, simplifying the central machinery, envisaged the election of the local bodies, but remained a dead letter. In 1856 these Local Boards were replaced by elected Commissioners (two for each village) empowered to assess rates, together with an elected and paid Overseer; this Ordinance was not very effective owing to the lack of provision for central administration and to the reluctance of the elected authorities to coerce the recalcitrant minority. In 1862 and 1863 special constitutions were provided for four villages. In 1866 a further Ordinance set up a supervisory body in the field of village administration alongside the still existing Board of Health—the Central Board of Villages —and created local Boards of Superintendence, nominated by the Governor; the Central Board of Villages was given power to declare places villages, and to divide villages into "incorporated" and "unincorporated," the former with Local Boards and the latter subject to Overseers. Eighteen incorporated villages were duly created, each with a Local Board of Superintendence consisting for the most part of the local clergy and some of the gentry, while almost every property in the Colony not in European hands (thus excluding the large sugar estates) was declared an unincorporated village. This Ordinance appears to have been effective in dealing with drainage problems, for subsequent public inquiries omitted mention of these.

By now, however, there were several different kinds of local government in village areas. There were the four villages with special constitutions; the incorporated and unincorporated villages, with different forms of government; and some villages still retained (by order of the Central Board of Villages) the elected Commissioners of the 1856 Ordinance. In addition there was the confusion of functions of the Central Board of Villages and the older Central Board of Health; and the necessity of referring the smallest detail of village administration to the Board of Villages, consisting of every principal officer of the Colony from the Governor downwards, added to the financial burden on the smaller villages of the Overseers' salaries, smothered all initiative. In 1873 there was a reversion to the principle of election with the creation of Village Councils of three persons elected by all the inhabitants, and an Inspector of Villages was appointed under the Central Board, but the confusion of higher authorities was allowed to persist. All attempts to work the unincorporated villages now seem to have been abandoned.

In 1878 came the public Health Ordinance, dividing the country into three types of districts for sanitary administration: Town Sani-

tary Districts, i.e., Georgetown and New Amsterdam; Village Sanitary Districts, i.e., the incorporated villages; and Country Sanitary Districts, i.e., the rest of the Colony. The two former were left in the charge of the authorities already provided for them, and the latter were now brought under the administration of the Central Board of Health, the authority responsible for the general administration of the Ordinance, arrangement being made for the setting up of Sanitary Authorities entrusted with certain powers of administration and the right to levy rates. The position now was that the Central Board of Villages had exclusive powers vested in it in respect of the eighteen incorporated villages while the local authorities of the rest of the Colony were subject to the Central Board of Health. While the former Board was provided with an Inspector of Villages and staff, the latter had no effective supervisory staff at all and appears, wherever complaint of the conditions of any inhabited place was received, merely to have declared such locality a Sanitary District and appointed a Local Sanitary Authority, leaving it then to act or not as it chose.

In the years 1881-82 the condition of most of the incorporated villages was described as deplorable, partly owing to the restricted powers of Chairmen of Village Councils and partly as a result of the heavy burden of road maintenance, for which villages were still responsible. Legislation in 1883 remedied this latter cause of distress by transferring the maintenance of trunk roads other than those passing through plantations to the charge of Government; at the same time all the previous machinery for dealing with the incorporated villages was swept away, and village administration was placed under the care of the Public Works department and the Inspector of Villages, the latter being made subject to the Central Board of Health. Under this system a 2% rate was levied and collected by the Inspector of Villages and the deficit made up from public funds. Fifteen incorporated villages passed in this way under the Public Works Department, later increased to nineteen by the addition of newly incorporated villages.

At last in 1892 a single authority, the Central Board of Health, was made responsible for supervision of village administration, the villages being removed from the control of the Public Works Department, and a large measure of local self-government was introduced; elected Village Councils were given power to vote and raise taxes, appoint village officers and construct village works, and all village property, previously vested in the central authority was now re-vested in the Councils.

Although now the sole authority, the Central Board of Health found considerable inconvenience in being compelled to work the incorporated villages under two Ordinances, one (that of 1892) dealing with administration, and the other (the Public Health Ordinance of 1878) with sanitation; the country districts, under its control since 1878, were subject to the latter Ordinance only. These country districts, too, had developed considerably by 1907, and the need was felt for some more liberal form of government. In 1907, therefore, was passed the Local Government Ordinance, the first Ordinance to deal comprehensively with both sanitation and administration throughout the inhabited region of the Colony. This Ordinance remained in operation for thirty-eight years, and the recent new Ordinance has been a consolidation and extension of the main principles, rather than an entire recasting of the system as was the case with most of the earlier legislation.

Under the 1907 Ordinance the Central Board of Health was replaced as authority by the Local Government Board, with a membership of eight appointed by the Governor and holding office during his pleasure. The whole Colony was divided into four kinds of Districts—(a) Urban Sanitary Districts, i.e., Georgetown and New Amsterdam; (b) Village Districts—all villages hitherto declared as such; (c) Country Districts, corresponding to the " Country Sanitary Districts " of the Public Health Ordinance; and (d) Rural Sanitary Districts, including all plantations not forming part of an Urban, Village or Country District. Village Districts were administered locally by Village Councils, consisting of not less than four members (the actual number being determined by the Local Government Board), and either wholly elected, wholly appointed or containing some elected and some appointed members, according to the decision of the Board; the latter case was the general rule. Country Districts were administered by wholly appointed Country Authorities of not less than three members. The Authority in Rural Sanitary Districts was the Board itself.

An interesting Report on Local Government and Administration was published by a Special Committee in 1931. It found that the Local Government Board as then constituted was not capable of exercising the amount of detailed supervision and control which the system required, and that local authorities, left without expert guidance, were not securing efficient administration. The Government also felt the need for a reorganization which would allow the decentralization of many of the functions of Central Departments then

exercised through local officers in the several parts of the Colony—in the Interior as well as in the Coastlands.

The Committee reported in favour of the supersession of the Local Government Board by a two-tier system of local authorities. It recommended that the Colony should be divided into Administrative Districts to be styled Counties, each having a County Administrative Officer who should be the representative of Government in the County and have general supervision over the various local officers of Government Departments; that each County should have a County Council, of which the Administrative Officer would be an ex-officio member (possibly the Chairman) together with a County Engineer and County Medical Officer of Health; and that each County should be subdivided into County Districts, each with a District Council, to which the County Council would delegate executive powers. The County Councils were envisaged as advisers to the Governor-in-Council on all matters of local government within their Counties. Their membership was recommended to include, in addition to the three officers named above, the elected members of the Legislative Council for the respective areas, a nominated element, and the Chairmen of all the District Councils within each County.

It was, however, felt by the Government that the time was not ripe for such far-reaching changes in the structure of local government, and no action in this direction was taken. In 1932 a decentralized system of administration through District Commissioners was introduced. The question of local government again came under consideration as part of the general stock-taking during and after the war years, and in 1945 a new Local Government Ordinance was enacted after consultation with local authorities.

PRESENT SYSTEM IN RURAL AREAS

The position to-day is that the country (in actual effect only the Coastlands are affected) outside Georgetown and New Amsterdam is divided into three kinds of District: Village, Country and Rural; and there is a central controlling body, the Local Government Board sitting in Georgetown.

This Board, as constituted under the Ordinance, consists of ten members. Three are ex-officio members, these being the Commissioner of Local Government, the Director of Medical Services, and the Chairman for the time being of the association known as the Village Chairmen's Conference. The remaining seven are appointed by the Governor, to include three members of the Legislative

Council, two persons who are members of Village Councils or Country Authorities, one person nominated by the British Guiana Sugar Producers' Association, and one other person. Appointments which are revocable at any time by the Governor, are for two years in the first instance, holders being eligible for re-appointment.

The Board has power to review all orders of local authorities and has extensive powers of general supervision and control; it makes the appointments in the case of Country Authorities and the appointed members of Village Councils, and it may remove from office chairmen or members so appointed. The wages paid to certain officers employed by local authorities are subject to its prior approval, and its sanction must be obtained for the dismissal of these officers. It may borrow money on behalf of local authorities and may act in default in the case of the main statutory functions—drainage works, etc. In Rural Districts the Board itself is the local authority.

The Authority for the Village District is the Village Council, and that for the Country District is the Country Authority, while, as already stated, the Local Government Board is itself the Authority in the Rural District. Village Councils are composed partly of elected and partly of nominated members, while County Authorities are wholly nominated. Provision exists for easy transition from the status of Country District to that of Village District, so that villagers may take a greater part in local affairs. At the end of 1946 there were twenty-eight Village Districts and sixty-seven Country Districts.

Village Councils consist of from six to nine members, two-thirds of whom are elected, and who elect from among themselves a Chairman and Deputy Chairman. Council elections take place every two years, and Districts may be divided for voting purposes on the Governor's authority. Appointments are also for two years, and nominated members must reside either in the village itself or within five miles of its boundaries. Voters must be over 21 years of age, British subjects, and proprietors of lands or buildings or both, valued at not less than 50 dollars (£10 8s. 4d.) in the village assessment book; joint owners of property are qualified voters if the value of the property held in common when divided by the number of owners amounts to 50 dollars each. For election to the Council an additional qualification of literacy in English is required. Whatever may be the merit or otherwise of a literacy qualification for Village Councillors, the effect of this provision is to narrow very considerably the field of recruitment.

Country Authorities consist of not less than four appointed members, at least one of whom must reside within the District boundaries.

Appointment is for two years with eligibility for reappointment. One of the members is also appointed Chairman, and both Chairman and members are removable by the Local Government Board.

Local Authorities are corporate bodies, and lands belonging to villages are vested in them. They may function through committees; and District Commissioners may attend any meeting of any local authority but may not vote. Authorities are empowered to employ as chief officers an Overseer, Assistant Overseer and Clerk, together with subordinate staff. The chief officers may be employed jointly by two or more authorities, the salaries being apportioned among the employing authorities by the Local Government Board; the salaries of these officers are determined by the local authority subject to the approval of the Board, and they are dismissible only with the prior sanction of the Board. The Overseer or Assistant Overseer of any authority is the collector of local taxes for the District, and his remuneration may consist in whole or in part of a percentage of the moneys collected by him.

Since drainage problems bulk large in the life of the Coastlands, the main statutory function of Local Authorities is the maintenance of the drainage system of their districts. They may also, and must when required by the Local Government Board, undertake construction or alteration of drainage works. They are empowered to levy rates on the appraised value of houses and lands, to buy and sell lands, and to let undivided village lands. They may provide markets and market-houses, slaughter-houses, baths and wash-houses, and burial grounds, and charge fees in respect of them. They may make bye-laws regulating the issue of water from tanks, etc., the mode and place of carrying on any trade or manufacture, and the erection of machinery; and also on such matters of public interest as overhanging trees and straying animals. Total village revenue in 1946 was $289,000 (£60,000).

The first elections for the new Village Councils took place in 1945, and it was said that there was marked activity in those places where a contest was necessitated by the number of candidates exceeding the number of seats to be filled.

THE MUNICIPALITIES

Georgetown

The City of Georgetown, founded in 1782 under the name of Stabroek, received its present name in 1812. From the very early

days it evolved a form of organization for the management of common affairs, the most pressing of these being the maintenance of the protective system of canals, dams, dykes, bridges, etc., against the constant threat of the sea. Commissaries were appointed for the various districts of the town by the proprietors of urban lots for this purpose, and they assessed the proprietary body for the expenses incurred. In 1811 Commissaries were also appointed by proclamation to control the public markets. In 1812 the superintendence of the town was, by Ordinance, entrusted to a "Board of Police" of six persons, appointed from among the most respectable inhabitants of the various districts, and the Board was given power to levy town taxes; in 1815 control of the public markets was also transferred to it.

In 1837 was created the form of organization which has persisted with only one major change up to the present day: a Mayor and Town Council elected by the citizens, voting in wards. The number of Councillors was originally eleven—the Mayor being elected annually from among their number—and there were high property qualifications for the franchise and for candidature. Subsequent Ordinances have varied both the number of Councillors and the qualifications, the most recent change being that made at the end of 1946. The City was granted incorporation in 1860. No major change in the form of the Council was, however, made until 1914, in which year a nominated element was introduced as a result of proposals made to the Government by the Georgetown Chamber of Commerce to remedy what they described as "the existing highly unsatisfactory state of affairs" in the City.

The present position is that the Council consists of twelve members, three of whom are nominated by the Governor in Council and nine elected every two years for the nine wards of the City. The Mayor is elected annually by the Councillors from among their number, but an interesting provision in the law is that in the event of no candidate for the office receiving a clear majority of votes appeal must be made to the electors, the whole City voting as one ward for the purpose. Under the Georgetown Town Council (Amendment Ordinance), 1946, the franchise, which is open to women on the same terms as men, is restricted to British subjects of the age of 21 years and over who are able to read and write English. To be registered as a voter an applicant must be the owner of a "lot" (a parcel of land, or a building, or both) within the ward of the assessed value for voting purposes of not less than 72 dollars (£15); or a tenant paying a rent of not less than 6 dollars (£1 5s.) per

month. Any person wishing to stand for election as Councillor must be a registered voter who either owns a lot of the assessed value of at least 200 dollars, or has been during the six months immediately preceding nomination the tenant or occupier of a building or land in the City for which a rent of at least 20 dollars a month is payable.

Revenue of the Council is derived from taxes on the assessed value of lots within the boundaries of the City, from fees and charges for municipal services (sewerage and water rate, market and pound fees, etc.) and from fines and penalties imposed for breaches of bye-laws. Government is subject to the town taxes and sewerage and water rate in respect of property in the same way as private individuals and companies. For the year 1943, total revenue from all sources was £181,000, and total expenditure £175,000. The net debt stood at £93,500. The Council has power to raise loans up to a prescribed maximum by the issue of bonds, with the approval of the Governor in Council.

The Council is charged with the maintenance and supervision, etc., of public streets, roads, squares and bridges, drainage, burial grounds, markets, slaughter-houses, lighting, etc., and is the urban sanitary authority, in which capacity it maintains an organized Public Health Department under a Medical Officer of Health. The Council has power to make bye-laws (subject to the approval of the Governor in Council) for the good rule and government of the City and for the promotion and safeguarding of public health.

New Amsterdam

The Township of New Amsterdam, incorporated in 1891, is administered by a Mayor and Town Council of nine. Three Councillors are nominated by the Governor in Council (this provision was enacted in 1916, following the reconstitution of the Georgetown Council), and the remaining six are elected. Nominated Councillors serve for three years, and of the six elected members the two senior retire every year. The electoral qualification was, until the Georgetown Town Council (Amendment) Ordnance of 1946, the same as that in force in Georgetown, and will probably be revised accordingly. At present the franchise is open to any person who, being a British subject of the age of 21 or more, able to read and write the English language, owns property in land or buildings or both within the town of 250 dollars (£52 1s. 8d.) assessed value, or is the tenant of premises of a rental value of not less than 15 dollars (£3 2s. 6d.) per month. For election to the Council a voter must be the owner of

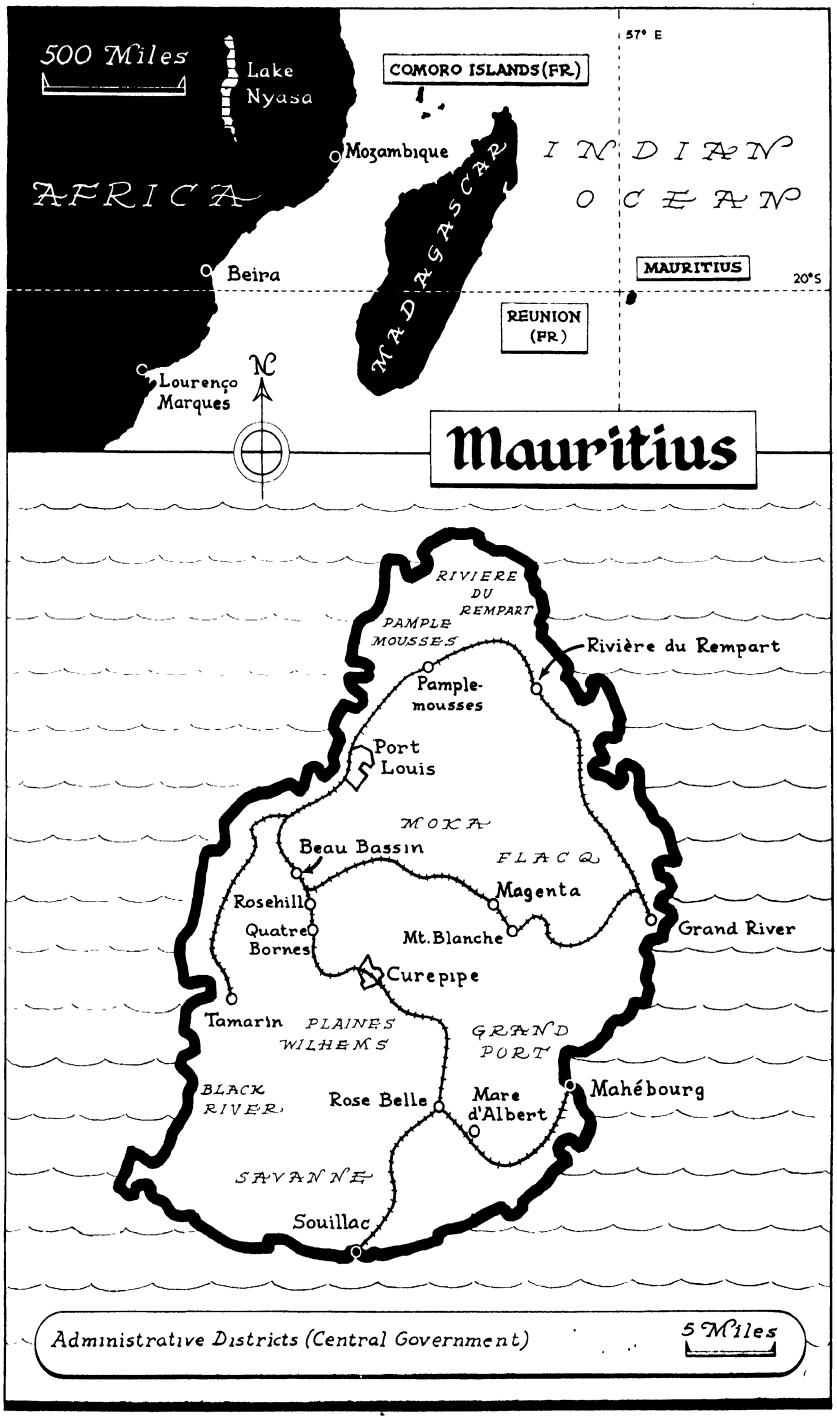
property worth $1,000 (appraised value) or the tenant of land or buildings of $20 per month rental. This is a lower qualification than that obtaining in Georgetown before the recent revision. The Mayor is, as in Georgetown, elected annually from among the Councillors. On the basis of this franchise there were in 1943 587 registered electors out of a total population of 8,362, of which total 300 were white.

Revenue is derived from taxes on the appraised value of land and buildings within the Township, from fees and charges for municipal services, from fines and penalties, and from a Government contribution towards the upkeep of roads, fire brigade, water supply and miscellaneous items. For the year 1943, total revenue from all sources amounted to £26,000, and total expenditure was £28,000. Net debt was £32,000. The Council may raise money on loan by the issue of bonds subject to a permitted maximum with the consent of the Governor in Council.

The Council is the urban sanitary authority, and has powers and duties similar to those of the Georgetown Town Council. A Public Health Department is maintained, but in place of a full-time Medical Officer of Health, the Assistant Government Medical Officer of Health or the District Medical Officer acts in an honorary capacity.

DEVELOPMENT OF THE FUNCTIONS OF LOCAL GOVERNMENT

The acceptance of the idea that the provision of social services and the general raising of the standard of living is one of the main functions of government has been slow in the Colony, and it is generally admitted that only the fringe of the problem has so far been touched. A wide range of voluntary bodies exists in this field, but until recently little attempt has been made to bring them into association with each other and with Government. During the war years, however, there was a new quickening of consciousness of social problems resulting in the initiation of new methods of organization to meet the needs. In 1943 there was set up a Social Welfare Organization as a result of recommendations made by the Social Welfare Adviser to the Comptroller for Development and Welfare in the West Indies. In his Memorandum the Adviser recognized the need for the integration of social services with the existing functions of local government machinery, and he had this to say about the local government system:—


500 Miles
Lake Nyasa
AFRICA
Mozambique
Beira
Lourenço Marques
COMORO ISLANDS (FR.)
MADAGASCAR
57° E
INDIAN OCEAN
MAURITIUS
20°S
REUNION (FR)
N
Mauritius
RIVIERE DU REMPART
PAMPLE MOUSSES
Rivière du Rempart
Pamplemousses
Port Louis
MOKA
Beau Bassin
FLACQ
Rosehill
Magenta
Quatre Bornes
Mt. Blanche
Grand River
Curepipe
Tamarin
PLAINES WILHEMS
GRAND PORT
Mahébourg
BLACK RIVER
Rose Belle
Mare d'Albert
SAVANNE
Souillac
Administrative Districts (Central Government)
5 Miles

"The most striking feature of social administration in British Guiana is the sound system of local government which the Colony possesses. The existence of this machinery provides an excellent political and administrative education for the people in the localities it serves, and also affords a means of dealing with a wide range of problems which affect social life in these districts. The system has been carefully built up over a long period of years. In these circumstances I think that a Social Welfare Organization can be set up in British Guiana and that it should be closely associated at every point with the local government machine. . . . The Local Authorities are bodies intimately connected with the life of each separate locality, and it would be a mistake to create special Community Associations when local representative institutions already exist. Local Government even as it exists at present includes many of the services performed by Community Associations, and the functions of local government institutions can therefore be readily expanded to include 'Social Welfare' generally."

The organization which was accordingly set up placed the duties of Social Welfare Officer on the Commissioner of Local Government, assisted by a small staff and an Advisory Social Welfare Committee consisting of a representative of each of the Departments concerned.

Some of the developments in the field of social welfare which have followed have been the setting up in 1944 of a Youth Council under the direction of a Youth Secretary, to provide co-ordination and finance for voluntary youth movements, which are encouraged to affiliate to it; the encouragement of the formation and development of Co-operatives; an attack on illiteracy through the medium of adult education (perhaps the most crying need of all from the point of view of political and social advance); and an Old Age Pensions scheme drawn up by the Social Welfare Officer and Advisory Committee in 1944.

With the acceptance of the principle that the existing local government machinery should be charged with increased responsibilities resulting from the development of social services, two main problems may be expected to arise. The first is that of finding the men and women, able and willing to shoulder these responsibilities. The growth of interest in local government which is already in evidence may be expected to develop still further and at a more rapid rate as Authorities undertake more and more functions which touch the lives of ordinary people closely. On the other hand, the property qualification coupled with the literacy test for rural Councillors must inevitably restrict the field of recruitment under present circumstances. The other problem which is bound to arise is that of finance.

If Local Authorities are to act in the field of social services as anything more than mere administrating agencies of the Central Government, if they are to develop any independent initiative of their own, some means of rendering Government financial assistance without extinguishing the effective independence of the local authorities will have to be devised.

CONCLUSION

In his book, " Welfare and Planning in the West Indies," Professor Simey writes: —*

> " British Guiana is therefore left as the solitary example in the West Indies of a colony which possessed in 1945 something in the nature of a vital system of local government. Its success has probably been due to two causes. In the first place contact between the Village Councils and the central government was maintained through an active Local Government Department, which kept in touch with the councils through local Commissioners, who attended their meetings and exercised the function of explanation and tactful persuasion. The Local Government Department had many legal powers in reserve by which the local Councils might be controlled, most prominent amongst which was the annual approval of the estimates of the councils, but as these were exercised through a Local Government Board, of which outstanding Chairmen of Village Councils were members, there was no suspicion that these powers would be exercised in a high-handed manner. The strength of the system lies in the fact that it is representative, and relations between central and local authorities rest on a basis of agreement and persuasion very similar to that obtaining in Great Britain. Secondly, though the area of the colony is large and the local councils are somewhat small in size, no attempt has been made to bring into existence authorities of the ' county council ' type, which would lie midway between the people and the Government, with the inevitable result that the authority of either the Government Departments on the one hand or that of the Village Councils on the other would be undermined. The existing Village Councils have therefore had a clearly representative function to perform. They have acted as the channels of communication between each village and the agencies of the central government, and executed such purely local administrative duties as have been entrusted to them by the central government."

* T. Simey, " Welfare and Planning in the West Indies," O.U.P., 1946, p. 210.

CHAPTER VI

MAURITIUS

BACKGROUND

THE TROPICAL ISLAND Colony of Mauritius, in the South Indian Ocean, has about the same area as the County of Surrey—720 square miles. Sugar is its life-blood, dominating the whole economic life of the island. Before the 1939-1945 War about 80% of the cultivated area, or about one-third of the total area, was under sugar-cane, and sugar accounted for about 98% of the exports from the Colony. A fall in acreage took place during the later years of the war, due partly to labour difficulties and partly to the need to produce more home-grown essential foodstuffs, but even in 1944 the area occupied by sugar-cane amounted to more than one-quarter of the island's 460,800 acres.

Before the war about 80% of the annual requirements of essential foodstuffs had to be imported. A consequence of this specialization on sugar has been that the prosperity of the Colony has fluctuated with the conditions ruling in the world market for sugar; and these external factors have conditioned internal development designed to improve the standard of living. After the war of 1914-1918 the improved financial position due to the high price of sugar made possible the inauguration of many important and urgently necessary schemes for the improvement of sanitary conditions, the extension and improvement of water supplies, and the extension of education; but the fall in sugar prices which began in 1921 and the slump of the 1930s necessitated retrenchment and economy.

An equally important result of the overwhelming importance of the sugar industry is the present racial composition of the population, which is due to the importation of labour to supply the needs of the plantations—first, African negro slaves, and later, after the abolition of slavery, Indian immigrants under the system of indentured labour. To-day, the majority of workers are still employed in the sugar industry, most of them as day labourers; and in spite of the development of other industries—manufacture of tobacco and matches, rum, sugar-bags—diversification of employment opportunities is now a major problem.

The first recorded discovery of the island, which was probably known to Arab navigators in the early Christian times, stands to the credit of the Portuguese, in the early sixteenth century, but no attempt at settlement was then made. The first settlement was by the Dutch, who occupied the island from 1598 until 1710, when they abandoned it. In 1715 the French took possession, and the foundations of modern Mauritius were laid. In 1810 the British came as military conquerors, and in 1815 the island finally passed, by treaty, under British rule.

Importation of African slaves had been begun by the Dutch, and continued under French occupation. In 1810 the population numbered 80,000, about 65,000 of them slaves (the number of slaves liberated by the abolition of slavery in 1834 was nearly 69,000). The non-Africans of the population at that date consisted of French settlers, a considerable coloured population, of mixed origins, and an appreciable number of Indians, skilled craftsmen and engineers from Madras and Pondicherry and traders from the Punjab and Gujerat, who had settled during the Franco-British struggle for supremacy in India. To this mixture was now added a British element, but British settlers, as distinct from the fairly large numbers of troops stationed in the Colony from time to time, were never considerable in numbers.

Few changes were introduced by the British on their assumption of control. By the terms of the capitulation of 1810 the inhabitants were allowed to keep their own laws, customs and religion. The division of the island into nine administrative districts was maintained, and persists to this day. The sugar industry was already firmly established; in 1814 there was already an export of 600,000 lb. of sugar. Communications were good. Most of the land had already been alienated, and was in the hands of the French settlers. But in 1834 the situation was completely changed by the abolition of slavery. Despite the £200,000 indemnity which the planters received from the British Government, agriculture was faced with ruin by the withdrawal of its assured labour supply, the more so since the ex-slaves were, not unnaturally, unwilling to engage in agricultural work, which they regarded as a servile occupation. The solution was found in the importation of Indian "coolie" labour under indenture, and from 1842 onwards this immigration was permitted up to a maximum of 6,000 a year. The result was a complete change in the balance of the population. By 1861 Indians already constituted about 62% of the population.

The last census, taken in June, 1944, showed that the total

population of Mauritius and its dependencies was 432,648 and that of the island itself 419,185. Of this total Indians numbered 265,257, or 63.3%; the "general" population 143,056, or 34.1%; and the Chinese 10,882, or 2.6%. These figures are, however, somewhat misleading as to racial origins, since many Indians who have become Christians or adopted European customs cease to regard themselves as Indians and are classed among the general population. The latter includes, besides, Europeans of pure descent and people of mixed origins, descendants of the slaves, generally known as Creoles.

The influence of French culture is still active in the island after more than a century of British rule. The descendants of the original French settlers are still important politically, socially and economically. The common language is Creole, a corrupted form of French, although Indian vernaculars are in common use among the Indian inhabitants, and almost all the newspapers are in French. The British are a very small element, and English is scarcely spoken outside official and British business circles and schools. At the 1944 census, persons declaring themselves able to speak English constituted 13.3% of the general population, 3.1% of the Indian population, and 1.9% of the Chinese population. In each case the proportion of women able to speak English is much lower than that of men.

The Chinese engage mainly in retail trade and large-scale business enterprise and in the professions. The Creole population tends to favour urban rather than rural life, and is important in clerical occupations. On the whole, the Indian community forms the rural working class as the Creole does the urban; but economic divisions do not follow strictly racial lines. Many Indians, after the period of their indenture had elapsed, were able to acquire land on the "morcellement" and "metayage" systems, whereby the large estates let out lands which they could not themselves profitably cultivate. Some were also able, by the proceeds of their thrift and industry, to acquire large estates. A 1944 report on land utilization gave the total area under sugar-cane as 150,845 acres, of which 54,668 or 36.2% was owned by Indians. Of some 100 large sugar estates a few are owned by Indians (the area affected in 1944 was 5,515 acres) and Indians form the bulk of the 20,000 small planters, who together hold about 43% of the cane area. They are also said to have a virtual monopoly of motor and vehicular transport and of the supply of fruit, vegetables and milk, and to control to a large extent the textile and grain industries. That economic class divisions cut across racial lines is brought out clearly in a report on the conditions of Indians in Mauritius

published in 1941,* where it was remarked that Indians working on Indian sugar estates received no better treatment than those on European-owned estates; and that, in fact, during the 1937 disturbances among labour in the sugar industry, it was on an Indian estate that the first shots were fired, by the management on the workers.

With an overall density of population of 582 to the square mile, a very high figure for an agricultural country, the island faces a growing problem of over-population. At the same time there has been throughout the last quarter-century a movement from the countryside to the already overcrowded centres of population, a movement which appears to be accelerating rather than slowing down. It is needless to emphasize the unfortunate social consequences which have in all countries resulted from uncontrolled urbanization. In Mauritius there has not been any accompanying development of the local government machinery to deal with these problems. It has been pointed out by the Industrial Development Advisory Committee in its Report published in 1944 that although a large-scale migration from country to town has been a feature in the development of many countries, in Mauritius it has not, as elsewhere, been stimulated by industrial expansion, for there has been none worthy of mention. This Committee further commented on the very low productive wealth of the Colony, due to the low productivity per worker; the quality of labour generally available is described as poor, and the standard of skill of tradesmen and artisans as low. But, in the words of the Report: —

> "Organized facilities for adequate training are practically non-existent, and in these circumstances they do comparatively well. With proper training there is no reason why artisans and tradesmen should not approach the standards of similar workmen in industrialized countries."†

The low productivity of labour also arises from, and in turn reacts on, the very unsatisfactory health conditions of the population as shown in the "Report on Health Conditions in Mauritius," published in 1944‡ The mean death-rate per 1,000 for the years 1933 to 1942 was 27.3—little short of double that for Trinidad, where climatic and other conditions are in many ways comparable to those of Mauritius. Of the total deaths 34.8% were ascribed to

* "Report on the Conditions of Indians in Mauritius, S. Ridley, I.C.S., New Delhi, 1941.

† "Report of the Industrial Development Advisory Committee," Port Louis, September, 1945.

‡ "Report on Health Conditions in Mauritius," Dr. A. Rankine, M.C., Director of the Medical and Health Department, Port Louis, March, 1944.

parasitic and infective diseases, chief among them malaria, dysentery, enteritis and tuberculosis. The infantile mortality rate for 1942 was 163.4 per 1,000, half of which rate, as the Report comments, could be called high. 32.7% of the deaths of children under five years of age were due to parasitic or infective diseases. The Report attributes this state of affairs to the influence of contaminated food, unwholesome water supplies, inferior standards of sanitation, and poor housing.

It is clear that the vicious circle of poor health, low productivity, low wages, bad living conditions, and again poor health, must be broken as soon as possible. In the absence of unlimited funds at the disposal of the Colonial Government and a superabundance of qualified professional and subordinate staff, local bodies in touch with local needs, properly organized, equipped with adequate powers and provided with a certain amount of expert guidance, could play a vital part in raising the general standard of living within a reasonable period of time. It is against this background that the problem of local government in Mauritius needs to be seen.

THE LOCAL GOVERNMENT SYSTEM

The development of local government in Mauritius has been very slow. For half a century no new townships have been formed, and there are now four local government bodies, only one of which is elective. Over the larger part of the Colony no local government machinery of any kind has existed since 1939, before which there had been a District form or organization since the early years of this century. For administrative purposes the Island is divided into nine Districts: Port Louis, Pamplemousses, Rivière du Rampart, Flacq, Moka, Plaines Wilhelms, Black River, Grand Port, and Savanne.

The four local government bodies are the Municipality of Port Louis (the Colony's Capital), lying in the District of the same name, and the three townships of Beau Bassin-Rose Hill, Quatre Bornes, and Curepipe, all of which lie in Plaines Wilhelms, the most populous of all the Districts.

THE MUNICIPALITY OF PORT LOUIS

The Municipality of Port Louis dates back as far as 1790, when it was instituted by the Assemblée Coloniale together with other municipalities; sixteen prominent men of the town acted as Con-

seillers of the "Municipalite du Canton de Port Louis," and were known as the Conseil des Notables. This Council was dissolved in 1792, but was later reconstituted as the Conseil des Communes, and finally abolished in 1820, under British rule.

The present corporation dates from 1849 and began functioning in 1850. The Council then consisted of eighteen members, but in 1903 this number was reduced to twelve, at which figure it now stands. Councillors hold office for three years. The franchise is confined to adult male British subjects of at least one year's residence in the Colony, and is based on a property qualification, the effect of which may be seen from the 1944 figure of 2,997 registered voters out of a total population of 57,466, of whom 14,269 were estimated to be males over the age of 21. A feature of the franchise is the so-called salary-earner's vote, by which persons receiving salaries of at least Rs.1,200* per year or Rs.120 per month in respect of employment within the town, whether resident or not, are entitled to vote. This provision is paralleled by the lack of a residential qualification for Councillors, the result being that the majority of Councillors reside out of the town. The problem has arisen because the prevalence of malaria in the town has resulted in the exodus of all those sufficiently well-to-do to afford to migrate to the higher altitudes outside the municipal limits, whence they travel to their work.

These two features of municipal government are the subject of serious controversy. In a recent report† on local government in Mauritius the arguments for and against the salary-earner's vote have been summarized as follows. In favour: the salary-earners are among the best educated and most enlightened members of the community; if they were disfranchised the electoral roll would be reduced to a few hundred voters, and Indians would "sweep the board" and control the destinies of the town; as salary-earners come to work in the town they are interested in the condition of the town's sanitary services, etc.; by spending money in the town they contribute indirectly to its prosperity. Against: the system is undemocratic, since many salary-earners, neither owning nor occupying property within the town, do not pay municipal taxes, and representation should go hand in hand with taxation; Indians pay more than two-thirds of the taxes (a claim which has been called in question by opponents); it is the privileged classes who support retention of the existing method; salary-earners create a disequilibrium of the poll, over-

* One rupee is equivalent to 1s. 6d.

† "Local Government in Mauritius," J. B. Swinden, Port Louis, 1946.

balance the ratepayer vote, and thus thwart the wishes of residents in the town; the votes of salary-earners are in many cases "political" votes, and are easily manipulated. On the question of the qualification for Councillorship it is argued that municipal progress is retarded because of the number of Councillors who live outside the town, and who therefore lack a personal sense of the urgency of municipal problems. It is felt, too, that non-resident Councillors owning property within the Town may be more interested in keeping rates low than in promoting measures involving expenditure, however desirable from the point of view of public welfare.

Those who oppose the salary-earner's vote and advocate a residential qualification for Councillors can draw support for their arguments from the Report on Health Conditions already referred to, in which the writer expressed the opinion that the absence from the town of a large proportion of the better-class section of the population may have resulted in a less determined pressure for more active and forceful measures to maintain sanitary conditions at a satisfactory level. The history of town life in nineteenth-century England shows that attempts at improvement went hand in hand with the realization of the dangers to the health of the well-to-do occasioned by the insanitary living conditions of the poorer classes. In Port Louis this incentive has not been so strongly felt. It should also be remarked that in England improvements in local government organization to deal with problems of urban living conditions followed closely upon each successive widening of the political franchise.

The Council of Port Louis is empowered to maintain, improve and cleanse roads and bridges; to construct and maintain drains, sewers, gutters, etc.; to manage municipal canals; to manage and cleanse rivers and streams traversing the town; to maintain the slaughterhouse and market and keep them in a sanitary condition; and to supply, maintain and control the water supply. The Council has power to make regulations necessary for the discharge of its functions.

The sanitary condition of Port Louis is, by general agreement, bad. The Report on Health Conditions referred to streets littered with refuse and caked with dirt throughout the dry season, storm-water drains choked with débris between rainy seasons, the channels of streams crossing the town blocked with stones and rubbish, back-yards which have become littered slum areas. The Swinden Report, written from observations made during the year 1945, mentioned in addition to these matters the practice of carting garbage in open

trucks and the irregular collection of house refuse, obviously one reason for the depositing of refuse in the streets. Legal powers exist to remedy this state of affairs, but enforcement is lax. Part of the town is served by a sewerage system, for which the Municipality is responsible, but the antiquated pail system is still the only form of sanitation in some sections. The water supply, under the control of the Municipality with the exception of a portion which is obtained from Government from Government supply, is intermittent, especially in the dry season, yet there is a considerable wastage of water, largely due to insufficient attention to leaking taps. The Swinden Report recounts a visit to the town abattoir (under Municipal control), when every tap in the building was found to be running full bore, although the building was empty.

These unsatisfactory conditions are ascribed partly to the overburdening of the Borough Surveyor, the official responsible for the maintenance of sanitary conditions, with other duties. Another reason is found in the fact that the Medical Officer of Health is only able to devote part of his time to the affairs of the Municipality, having in addition duties as a member of the Medical and Health Department of the Colony and as Port Sanitary Officer. The long and complicated procedure for enforcing abatement of nuisances was also cited by the 1944 Report on Health Conditions as a further cause of lax administration. The Swinden Report, considered as essential the secondment to the Municipality from the Government Medical and Health Department of a full-time Medical Officer; the strengthening of the inspectorial system, the Municipality's present staff of sanitary inspectors to be transferred to the staff of the Medical Department; and the appointment of a fully-qualified Chief Sanitary Inspector from outside the Colony. The employment of Health Visitors to facilitate a greater concentration on preventive services was also recommended.

The Report also found the organization of the work of the Council unsatisfactory, with no Committee system in operation and the Mayor undertaking much executive work, such as the approval of requisition and payments within the estimates, in addition to the consideration and grouping of the estimates before their discussion in the Council. Recommendations made were that a Finance and General Purposes Committee and a Streets and Building Committee, at least, should be set up; that the existing arrangements for the yearly audit of accounts should be superseded by the appointment of a full-time auditor from the staff of the Government Audit Department empowered to carry out a running audit throughout the year,

to disallow expenditure contrary to law, and to surcharge the person responsible; and that all appointments to the council staff should be made on the recommendation of the Finance and General Purposes Committee to obviate nepotism and "political" appointments.

The revenue of the Municipality is derived from taxes on owners and occupiers of property (House Rate and Tenants' Tax); from charges for public services (electricity, water supply, cemeteries, etc.), market dues, licences and permits, premiums on fire insurances; from a fixed annual Government contribution of Rs.126,000 per year, in lieu of house and tenants' taxes in respect of Government property and Government occupiers; and from quay dues and boat and boatmen's licences.*

House rates are levied on property of from Rs.500 capital value upwards as estimated on the tax roll, the rate being graduated from 0.6% to 1.25% on property of from Rs.20,000 value upwards. An additional tax is levied on the higher grades of property, bringing the total tax on the highest range up to the permitted legal maximum of 2%. Tenants' tax is assessed on the rents of from Rs.15 per month upwards, and is graduated from 1% on the lowest range to 6% on rents of from Rs. 60 upwards. It was pointed out in the Swinden Report that owners of property worth less than Rs.500 and tenants paying less than Rs.120 per year are not called upon to make any contribution to the cost of services provided by the Council, and it was recommended that every occupier should pay a tax, however small, in order to promote the development of a sense of citizenship.

The revenue for the year 1945 was Rs.994,876, and the estimated expenditure Rs.988,984. The public debt stood at Rs.130,592. Yearly estimates must be submitted to the Governor and are subject to his approval. The Council is empowered to borrow money on the security of the revenues or of Municipal property, provided that the total secured debt shall never exceed the amount of the revenue of the five years immediately preceding the year of any loan.

On the hotly debated subjects of the municipal franchise and the residential qualification for membership of the Council, the recommendation of the Swinden Report was that the franchise be assimilated to that for the Legislative Council under the new Constitution, resulting in the halving of the salary qualification and an increase in the number of qualified voters; and that no residential qualification

* House rate, tenants' tax and Government contribution together account for 48% of the revenue.

be introduced, on the principle that no one entitled to exercise a vote should be debarred from membership of the Council.

THE THREE TOWNSHIPS

The three townships of Beau Bassin-Rose Hill, Quatre Bornes and Curepipe are administered by nominated Boards of Commissioners, set up in 1895 in respect of the first two and in 1889 in the case of Curepipe.

The Boards are corporate bodies, and are nominated annually by the Governor. The Boards of Quatre Bornes and Curepipe consist of a Chairman and five members each, and that of Beau Bassin-Rose Hill of a Chairman and seven members. The population and extent of the respective townships are shown in the following table, together with the number of persons on the tax roll (1946). Representation

Township	Area in acres	1944 Population	Persons on Tax Roll Houses T.	Tenants T.	Males over 21
Beau Bassin-Rose Hill	1,380	26,612	2,209	807	6,017
Quatre Bornes	1,170	11,100	1,730	251	2,621
Curepipe	1,680	27,468	1,337	704	6,632

in proportion to the number of males over 21 in each of the townships is as follows: One nominated Commissioner for every 752 in Beau-Bassin-Rose Hill, one for every 437 in Quatre Bornes, and one for every 1,105 in Curepipe. The racial composition of the adult male population is shown in the following table:—

Township	Indians	General Population	Chinese	Total
Beau Bassin-Rose Hill	2,074	3,608	335	6,017
Quatre Bornes ...	1,133	1,406	82	2,621
Curepipe	2,254	4,101	277	6,632

The Boards are responsible for making and maintaining roads (other than main roads) and bridges, for the scavenging and cleansing of the areas under their control, and for abattoirs and markets. Quatre Bornes and Beau Bassin-Rose Hill are also responsible for their own night-soil service, while in Curepipe this is under the control of the Government Medical and Health Department. None of the townships has a sewerage system, and water supplies are maintained not by the Boards but by Government.

According to the 1944 Report on Health Conditions, the sanitary

condition of the townships is similar to that of Port Louis, and for the same reasons—inadequacy of staff and failure to enforce such public health legislation as exists. The system of nomination of the Boards was no doubt intended to ensure efficient administration of the townships by persons whom Government should consider best fitted for the purpose; but the results can hardly be said to justify the use of this argument in favour of the system to-day. The Swinden Report criticized the existing composition of the Boards as unduly restricted, but rejected the immediate introduction of adult male suffrage, for which demands have been put forward. Instead, the Report recommended the widening of the basis of representation by the enlargement of the Boards and the introduction of the elective principle. Concrete proposals were that the membership of the Boards of Beau Bassin-Rose Hill and Curepipe should be increased by the addition of two and four new Commissioners respectively, bringing the membership up to ten in each case. The membership of Quatre Bornes Board should remain at the present figure of six. Representation in proportion to the adult male population would then be one Commissioner for every 601 in Beau Bassin-Rose Hill, one for every 663 in Curepipe, and one in every 437 in Quatre Bornes (as at present). Further, it was recommended that one-half of the membership should continue to be nominated, but that the remaining half should be subject to election every three years; and that the nominated members should be selected from a panel drawn up by the Boards themselves, in order further to broaden the basis of representation. Chairmen, it was recommended, should continue to be nominated for the first three years' life of the reconstituted Boards, and thereafter should be elected by the Boards themselves, subject to the approval of the Governor. The reconstituted Boards were advised to adopt the Committee system. Qualifications for the franchise should, in the opinion of the Report, be the same as those for Port Louis, with any local modifications necessary. It was recognized that the target should be completely elected Boards with universal (manhood and womanhood) suffrage, and the suggestion was made that the position be re-examined within a few years in the light of experience.

One of the factors limiting the efficient discharge of the functions of local government in the townships has undoubtedly been the low yield obtained from local taxation. Revenue is derived from sources similar to those of Port Louis—taxes on occupiers and on tenants (the former at a uniform rate of 1% and the latter on the same graduated scale as in Port Louis); market fees, licences, rents of

municipal property, and miscellaneous receipts; and Government contribution. The bulk of the revenue comes from the house rate and tenants' tax and Government contribution, in the following proportions: Beau Bassin-Rose Hill, 65% of total; Quatre Bornes, 88%; and Curepipe, 61%. Estimated revenues and expenditures for the year 1944/5 were: Beau Bassin-Rose Hill, revenue Rs.249,470, expenditure Rs. 245,233; Quatre Bornes, revenue Rs.83,400, expenditure Rs. 85,200; Curepipe, revenue Rs. 334,180 (including a special revenue for this one year only of Rs.24,000), expenditure Rs.335,176. Public debt of Beau Bassin amounted to Rs.805,000, including a debenture loan of Rs.200,000, for which a sinking fund was in existence; and Curepipe had a public debt of Rs. 627,307. These figures give a revenue per head of population of about Rs. 9 for Beau Bassin-Rose Hill, Rs.7.50 for Quatre Bornes, and Rs. 12 for Curepipe (about Rs. 11 if the extraordinary revenue of Rs.24,000 is discounted).

The Swinden Report recommended that, as in the case of Port Louis, every property owner and occupier should be assessed for taxation, however small the amount involved; but this was directed rather at the promotion of a civic sense than at any considerable increase in revenue. A more important proposal from this point of view was that there should be a revision of the tax-roll, now somewhat out of date, by an independent valuation expert and that the permitted maximum rate of taxation should be raised on the higher values.

The Swinden Report also found the position as to Government grants unsatisfactory. By the Ordinances setting up the Boards and later Ordinances of 1915 and 1926, the Boards were entitled to receive from Government (a) such contributions from the Treasury as might be annually voted by the Council of Government; (b) all fines resulting from contraventions prosecuted by the Boards; (c) taxes paid under the Licences (consolidating) Ordinance, 1915, by persons habitually residing in the towns; and (d) licence duties paid under the same Ordinance by persons carrying on in the town any business, profession, etc. The amounts were to be determined by resolution of the Legislative Council, and the Boards were not to be entitled to receive more than the amounts so fixed. In 1937 further amending Ordinances provided that the Boards should receive from Government fixed sums, such sums to be payable for three years only, the first year beginning as from 1st July, 1936. The amounts fixed were estimated to represent a contribution at the rate of Rs.2.50 per head of population, and the fixed sums agreed upon in 1937

have been continued ever since, although populations have increased, and although no Ordinance continuing the payments has been passed. The Swinden Report considered that, in spite of any increase in the Boards' independent revenues derived from higher taxation and reassessment of properties, Government aid would have to continue for some time; consequently it was recommended that the position in regard to Government grant be clarified and any amount decided upon stabilized for a period of years, and that, further, Government should consider the question of paying taxes on properties owned or occupied within the township areas.

In the attack on the present unsatisfactory conditions in the township, steps recommended were the appointment of a full-time medical officer and sanitary inspector to Curepipe, and of a medical officer and sanitary inspector to Beau Bassin-Rose Hill and Quatre Bornes jointly, the officers to be seconded from the Government Medical and Health Department and paid partly from local sources and partly by Government. A system of health visiting was also considered desirable.

NEW TOWNSHIPS

The low taxable capacity of the bulk of the population (making inevitable substantial Government subventions to any new townships) has militated against the extension of local government organization to other populated areas. On this subject the Swinden Report expressed the opinion that an area with from 8,000 to 10,000 inhabitants properly balanced as regards the various classes of the community, should be in a position to shoulder the burdens of local administration. Mahebourg, with an area of 0.8 square miles and a population of 9,919 (a density of 12,399 to the square mile, second only to that of Port Louis), was found to be unsuitable from the point of view of the balance of classes and taxable capacity; but the proposal to establish a new township for the area of Phœnix and Vacoas jointly was supported, as was also the proposed incorporation with Curepipe of the adjoining area of Floreal. No other settlement was considered sufficiently populous or financially stable to justify this form of organization at this time.

THE RURAL AREAS

The larger portion geographically of the Colony has had no local government machinery since 1939.

In 1900 and 1902 nine District Boards were created to cover the island outside the townships and Port Louis, with the title of District Road Boards. They consisted of the elected members of the Council of Government for the District, the Government Medical Officer stationed in the District, the Director of Public Works, and from three to seven other members nominated by the Governor. The Boards had at first only power to maintain and improve roads and footpaths, but in 1919 they were also empowered to levy taxes, and later their powers were extended to include the upkeep of water closets, drains and streams in certain "declared" villages.

These Boards were abolished in 1939 and their powers and functions transferred direct to the Government. It was stated that little interest for their continuance was evinced by the local people. The Swinden Report suggests that this may have been due to a feeling of inertia or frustration owing to lack of financial resources, but it seems equally possible that these bodies, on which the rural labouring classes were unrepresented, may have seemed to the ordinary rural dweller too remote and too little concerned with the everyday conditions of his life. However this may be, the Swinden Report found a feeling of aloofness in the country districts from the seat of Government in Port Louis, in spite of the fact that many Government Departments have representatives stationed all over the island.

Accordingly, a system of regional administration was advocated under which a highly placed responsible officer of Secretariat rank would be stationed in each one of suitable districts, the island being divided into regions for the purpose. The duties of these officers would consist of supervising the local administration of the area, of receiving the representations of the inhabitants on subjects of grievance, and of ensuring the prompt carrying out of necessary improvements. It was also recommended that there should be set up in each village in the area a Village Council to assist the Regional Officer, such Councils to be purely advisory in character and to consist of "leading representatives" nominated by the Governor. It was intended by the Report that the officer should be empowered to settle most of the matters likely to arise locally without reference to Government except on matters affecting general Colonial policy. To use the words of the Report, "His work would consist of an amalgam of local and Colonial government and a tightening up of the loose ends of both."

These proposals have been criticized on the grounds that the appointment of Regional Commissioners is a retrograde step and not one which is suited to the stage of development reached by the

people of Mauritius, where many people are more advanced, educationally and socially, than the peoples of the African Territories. Village Councils, it is claimed, should be elected by the whole village to ensure the choice of members really holding the confidence of the people, and their functions should be more than purely advisory; they should have certain prescribed functions, and should be subject to District Councils who could shoulder the responsibility of finance. Unless the people through their elected representatives are themselves brought into the operation of local government, with autonomy in certain spheres, how, it is asked, are they ever to learn?

A disturbing picture of the present conditions of rural life which form the background to this problem is drawn in the "Report on Health Conditions in Mauritius." Due to lack of supervision and control over building, in spite of legal powers which are now provided under the Housing Ordinance, there has been much "ribbon development." "Where villages have developed on other than ribbon lines, their growth in most cases has been in accordance with no plan and one finds an aggregation of buildings of all types, for the most part unhygienic and unsightly, the precincts of which, in the absence of any roads, it is wellnigh impossible to maintain in a sanitary condition. The absence of a sense of civic responsibility or pride in conditions such as these can occasion no surprise."* The position in regard to water supply is also unsatisfactory; although the majority of villages are now supplied by standpipe, in many districts the water supply is so inadequate or so intermittent that the population has recourse to polluted streams, canals and wells. Apart from the discouragement to cleanliness which this must involve, the connection between an unwholesome water supply and the prevalence of water-borne diseases needs no emphasizing.

A further feature of rural life in the island is the existence of estate "camps." Until 1922, when the indenture system was terminated, all Indian immigrant labour was housed in "camps" on the employers' estates; but after the abolition of the system the majority preferred to leave and hire themselves as independent day labourers, in which position they were able to take advantage of differential wage rates. By 1937 it was estimated that there were 30,500 Indians living on estates, representing only 13% of the labour force of the sugar industry. These resident workers are engaged by the month, and live in the "camps" rent-free, many passing their whole lives in the same camp. Most of the camps take the form of lines of single rooms built on the barrack pattern and constructed

* "Report on Health Conditions in Mauritius," 1944, *op. cit.*, p. 7.

of straw, aloe stems, bamboo or similar material, with a common yard, common latrines (often inadequate in number, although it is often said that the people will not use them in any case), and common kitchens. The Report on Health Conditions has this to say about them:—

> "Buildings and rooms are drab and unattractive, and in many cases any degree of family life or privacy is unattainable. The yard being common, maintenance is nobody's business; and in some cases absence of any sort of planning of the layout of the camps makes systematic scavenging impracticable. In conditions such as these the individual or the family can hardly be expected to take any interest in his or their surroundings, and there can be no prospect of developing any sense of personal or civic pride."

The general sanitation of most camps is said to leave much to be desired, and in many cases supplies of fresh water for drinking and for bathing are lacking. As in the case of other rural and local authority areas, the Report ascribed the blame to lack of organization and lack of supervision.

It is undoubtedly a fact that the generally low standard of education among the labouring classes acts as a retarding influence on improvement or at least mitigation of these conditions by the people themselves, in so far as such direct action could be effective. The Report on Health Conditions refers to the "ignorance on the part of the population of the elementary principles of hygiene." This state of affairs can be attributed to the fact that although education has long been free in Mauritius it was only in the year 1944/5 that a beginning was made with the introduction of compulsion; and in fact the number of schools has throughout been insufficient to provide accommodation for all, even had the demand been present. The opportunities for the employment of child labour (legally permitted after the age of 10) have discouraged parents, especially among the poorer working class, from sending older children to school; and there can be no doubt that many persons now living and even considerable numbers of children now growing up have received no education at all.

On the other hand, it cannot be said that the people themselves feel no dissatisfaction with their conditions. The Report on Health Conditions ascribed the migration of labour from country to towns and more particularly from estate to towns and villages, to the growing distaste for the "unhealthy and primitive conditions" prevalent in the majority of estate camps. Estate workers, too, show themselves appreciative of improvements. On some estates steps

have been taken to effect improvements in housing; individual cottages for labourers have been built, and at least one estate has constructed various types of self-contained cottages, each with two or three rooms and a verandah, kitchen and latrine, and each with a small plot of land for the growing of flowers and vegetables. On this subject the Report states:—

> "It may be said that labourers will not appreciate or look after houses of this type, but such is not the case. The great majority, given the opportunity, do take a pride in the house and garden, and in a short period of time they make their influence felt on the lesser number who fail to attain the new standard."*

This, the considered opinion of the Director of Medical and Health Department, should dispose of the "coals in the bath" type of argument which is always heard when there is question of a rapid raising of living standards.

RECENT ADVANCES

The Swinden Report was published in 1946, and was immediately referred to a Select Committee for consideration. This Committee reported in 1947 and on its proposals the future local government system of Mauritius will be based. The proposals are as follows:—†

Port Louis and the Three Townships

The corrupt state of affairs in the Municipality of Port Louis was in no way glossed over. "We are satisfied," states the Committee, "that the administrative framework of the Municipality is weakened by political considerations which influence, among other things the choice of employees, disciplinary proceedings against them, and the recovery of taxes. Elected persons have admitted that they are sometimes loth to enforce the law or to take administrative action required by the situation if such action might adversely affect members of the electorate or could be represented in that light by their political rivals. In this respect the situation deteriorates as the elections approach."‡ The Swinden recommendations are endorsed —financial control is to be tightened up by the appointment of an Auditor, the institution of a "running Audit," and the appointment

* "Report on Health Conditions in Mauritius," 1944, *op. cit.*, p. 42.

† See "Report of the Select Committee Appointed to Examine Mr. J. B. Swinden's Report on Local Government in Mauritius," Port Louis, 1947.

‡ Report, *op. cit.*, p. 2.

of a Storekeeper. The staff of the Municipality should be reviewed and a responsible Town Clerk and Town Treasurer appointed. A Finance and General Purposes Committee should be set up; also a Streets and Buildings Committee. Ratepayers' Associations should be formed to quicken civic consciousness, and the functions of the Municipality should extend to welfare services, public amenities, protection services (e.g., fire brigade) and trading undertakings, such as electricity supply. Special arrangements are also suggested for dealing with sanitary conditions.

Franchise and Constitutions of Local Authorities

The franchise should be the same as for the Legislative Council (which is now very broad). The Boards in the three Townships should be semi-elective (equal number of nominated and elected members), it being found that "the nominated Township Boards have proved themselves to be better institutions of local government than the wholly elected Municipality." Because "the town of Port Louis is not a monument to the virtues of a wholly elected Municipality," six nominated members might be added to the twelve elected ones: but the Committee agrees that "the target to be arrived at is completely elected local authorities." It is also suggested that a Local Government Advisory Board should be set up to advise on questions of local government affecting more than one local authority.

Rural Government

The proposals for Regional Commissioners assisted by Village Councils—suggested by the Swinden Report—are endorsed (two Commissioners have been appointed). A few embryo councils are emerging, and it is suggested that these should be encouraged as forming the first beginnings of an organized village opinion in Mauritius. "Village Councils should be set up, not merely to assist the Civil Commissioners, but in their own right. His Excellency has already suggested that legislation should be as elastic as possible to allow of the inclusion of Councils at different stages of advancement and . . . that each Village Council should be given such powers and only such powers as, in the opinion of Government, it appeared capable of wielding; and that Village Councils should be empowered to collect the money necessary to carry out the duties assigned to them."*

* Report, *op. cit.*, p. 14.

CONCLUSION

It is perhaps not surprising in the conditions found to exist in Mauritius, that it has been thought wisest to continue some form of paternalism for the time being, and to make recommendations which fall short of complete " democracy " in local government. Mauritius is an example of how the outward forms of popular institutions may remain empty shells—or, worse, foci of corruption—if there is lacking a civic consciousness to breathe life into them, and a population sufficiently educated and sufficiently associated with its own government to feel *responsible* for public administration.

CHAPTER VII

THE GOLD COAST

BACKGROUND

THE NAME "Gold Coast" covers a composite group of territories ying on the southern coast of the western "bulge" of Africa, and comprising the Gold Coast Colony, Ashanti, the Northern Territories, and that part of Togoland which is administered by Great Britain as a Trust Territory (formerly under a Mandate). The most southerly of these, and the first to come under British control, is he Colony; to the north of this lies Ashanti, and northwards again he Northern Territories. British Mandated Togoland lies to the east of the Gold Coast proper, and is divided into a northern and a southern section, the first of which is administered as part of the Northern Territories and the latter as part of the Colony. The total area is about 92,000 square miles, of which the Colony and Ashanti, roughly equal in area, together account for some 48,500, the Northern Territories for nearly 30,500, and Togoland for slightly more than 13,000 square miles. Physiographically the country falls nto two zones. First, a coastal zone embracing the Colony, Ashanti and the coastal belt of Togoland, with a hot, wet climate and a natural vegetation of tropical rain forest; and to the north of this a dry hinterland comprising the Northern Territories and the emainder of Togoland.

"The history of European contacts with the Gold Coast is longer han that with any other African territory south of the Sahara."* The main attraction which the area offered to European traders and adventurers in the early days was in the material which it provided or the lucrative slave trade, and in the gold, worked and traded by he natives themselves, which gave the region its name. The first settlements on the coast were those of the Portuguese, but between he end of the fifteenth and the beginning of the nineteenth centuries rading posts and forts for their protection were established by the nerchants of six European Powers. Of these Powers, only the Dutch, Danish and British remained in control by the end of the Napoeonic Wars; and the Danish and Dutch possessions eventually passed

* Lord Hailey, "An African Survey," p. 1398.

to Great Britain in 1850 and 1872 respectively, leaving the British in sole control of the coast by the latter date. The Crown had assumed direct control of the British settlements in 1843. In 1844 there was concluded the famous "Bond," a treaty between the British Government and certain chiefs of the coastal area by which Great Britain obtained a protectorate over the country surrounding Cape Coast; but at this time permanent occupation with direct political control was not envisaged, and for the next quarter of a century little was done to extend British authority over the remainder of the country.

After the acquisition of the Dutch settlements in 1872 Government policy took a new direction, and numerous treaties were made with chiefs for the cession of territory or for the extension of the Protectorate, while the limits of British authority were also extended northwards towards the Ashanti border by conquests in local warfare. In 1874 the coastal Protectorate was erected into a Colony, but doubts as to its exact constitutional status continued to be expressed until the matter was set at rest by Orders in Council of 1901 and 1906 providing for the formal annexation of the whole Colony area. Ashanti, already a centralized State under a native monarchy, was declared a Protectorate in 1896, after nearly a century of hostilities conducted by the Ashanti against the British and the peoples of the Colony area, and was annexed outright in 1901 after an unsuccessful rebellion. It was in 1901, also, that the area known as the Northern Territories became a Protectorate. It had previously come under British control in 1897, as a result of agreements made with the local chiefs and after negotiations with France and Germany, the other two Powers interested in this part of West Africa. The last of the divisions of the country to be incorporated was British Mandate Togoland; this first German colony on the African Continent was conquered by an Anglo-French force in the early months of the first world war, and in 1919 was divided into a western and an eastern section to be administered by Great Britain and France respectively.

The population of the united territories was estimated in 1945 at 3,963,000. Of this total the Colony accounts for rather more than one-half, while the population of Ashanti is about three-quarters of a million, that of the Northern Territories somewhat more, and that of Togoland about 400,000. The number of resident Europeans included in this total was only 3,443; the proportion of Europeans in the population is thus less than one in 1,000. And even of this very small number, only slightly more than three-quarters are described as "non-official," engaged (leaving aside missionaries and dependent

families) in trade and the mining industry of the Colony and Ashanti; there is no settled agricultural European community, and no large Indian trading community, such as those found in the territories of East and South Central Africa. As a result of the absence of immigrant population from overseas, the Gold Coast does not suffer from many of the political and social problems which afflict East Africa, and the advance towards self-government is not retarded by disputes over the respective place in the political structure of the indigenous and immigrant communities.

Closely bound up with this feature of the Gold coast is another which provides a striking contrast with the East African territories, namely, the absence throughout the Colony and Ashanti of any Crown land in the generally understood sense of the term—land which, because it is "vacant" and undeveloped, has been appropriated by the Crown, and which is therefore available for grant, on lease or otherwise, to immigrant settlers or capitalist development companies. In these two divisions of the country all land is in the possession of some owner, individual or collective, and Crown land is limited to that which has been acquired for public purposes. In the Northern Territories and northern Togoland the position is different, and all lands not subject to existing title were in 1931 declared native lands at the disposal of the Governer "for the use and common benefit" of the natives. This step was taken to remove any danger that chiefs, following the precedent set by their counterparts in the Colony and Ashanti, might assume the right to alienate tribal lands to individuals without regard for tribal interests; but in the event the Northern Territories have not so far proved attractive to alien capital, nor have conditions given rise to African demands for individualization of land.

There has, therefore, been no development of a plantation system of agriculture in the Gold Coast. "The united territories, then, offer an example of a peasant system. The population, from the agricultural aspect, is not dense, that of the Colony being inflated by the urban population of the ports, and there is little or no real pressure on the land. Native custom has, therefore, time to undergo a gradual evolution fostered by a policy of devolution. It is the universality of this peasant system and the fact that the economy of the Gold Coast is dominated by cacao that give direction to the problems of the territories."*

The country has, as a whole, for long had the benefit of greater

* Leake, "Further Studies in Tropical Land Tenure," in "Tropical Agriculture," Vol. 15, No. 5, 1938, pp. 99-101.

financial resources than British colonial territories can commonly dispose of. It owes its comparative prosperity to the expansion of two main industries—cocoa and goldmining, of which the former is of greater importance socially as supporting a large class of independent peasant cultivators.

> "The trade and prosperity of the Gold Coast are vitally affected by the price and size of the cocoa crop. It is predominantly the greatest source of income to the greatest number of the people, and the cocoa price is the barometer by which the prosperity of the country is assessed. The amount of cash accruing to the agricultural community over the last twenty years has varied between £12 millions and just over £2 millions per annum. The value f.o.b. at Gold Coast ports has varied over the same period between £14,400,000 and £3,500,000, and as the value of the external trade immediately pre-war was estimated to be somewhere about £17 millions, the importance of cocoa to this country's economy can be appreciated." *

Since the war, the price of cocoa has increased very greatly, and the value of the crop with it.

Of recent years the dominance of this one product has lessened, due in part to the ravages of the disease which attacks the cocoa trees, in part to the increased emphasis during wartime on the production of food crops, and in part to the efforts of Government as part of a long-term policy to lessen the country's dependence on one staple export crop by encouraging the commercial development of other products—bananas, citrus fruits, coconuts, etc. The typical agricultural producer is the independent peasant cultivating his small holding (the average is only four acres, and even this is frequently subdivided†) with the help of family labour, but wage-labour is also employed by many farmers. The cocoa industry has also been responsible for the growth of an African middle class, supported on the profits made in the earlier stages of marketing. The political importance of the emergence of such a class, unknown to African tradition, needs no emphasizing.

The production of cocoa is confined to the forest belt of the southern part of the country, and it is here also that the second important industry, mining, is located. Before the war the gold and diamond mines employed some 40,000 workers, and during the war there was a considerable development of bauxite mining, for which a great future is now in prospect if a scheme for the genera-

* "Report of the Department of Agriculture," 1945/6, p. 4.
† Leake, *op. cit.*

tion of electric power from the Volta River, now in the stage of preliminary planning, materializes. The realization of this project would, besides other advantages, make possible the processing of aluminium on the spot, and might indeed be the starting-point for a shift in emphasis from agriculture to industry as the predominant factor in the country's economy; it would at the very least release the country from undue dependence on primary products. In the absence of a large white population engaged in mining there has not grown up in the Gold Coast an industrial "colour bar," and Africans are engaged in work which in some other territories would be reserved for white labour. The timber industry is of increasing importance for the export trade of the country, and employs an increasing number of workers. On a smaller scale, Government is now encouraging the development of local craft industries such as soap-boiling, cloth-weaving, and the making of wooden doors, window frames and railway sleepers. The growth of wage-labour has been accompanied by a corresponding growth of trade unionism, which has the official approval and guidance of Government.

In the Northern Territories and northern Togoland, less favoured by nature than their southern neighbours, the picture is very different. As in so many East African territories, lack of adequate rainfall and irrigation facilities forces men and cattle to crowd together in the few acres where water can be found throughout the year,* and an additional factor making for concentration is sleeping sickness, which is rife throughout the whole country. As a result erosion of the populated areas is said to be far advanced, and the permanent underground water reserves are becoming still further depleted. The position has been recognized by Government, and efforts have been and are being made to combat the tsetse-fly, to check erosion, and to conserve and improve soil fertility, particularly by the introduction of mixed farming. Conditions such as these naturally make the task of providing necessary social services immeasurably more difficult than it is in the relatively advanced and prosperous Colony and Ashanti, where, too, the development of the cocoa and mining industries provided both the incentive and the financial resources for a larger direct expenditure on public services than has yet been undertaken in the Northern Territories. Here, however, the native administration system has proved its worth, as a means of associating the local people in attempts to improve the conditions under which they must live, and having regard to the meagre resources at their

* Governor's Despatch No. 22, of 26th July, 1944, printed as Sessional Paper No. 11, of 1944, "General Plan for the Development of the Gold Coast."

disposal the local administrations have made notable efforts (inspired, no doubt, mainly by the administrative officers) to provide themselves with social services.

Nevertheless, the general level of development naturally remains much lower than in the south. The lack of any export crop which could provide an expanding income is the root difficulty. In spite of the many difficulties, however, the export of cattle to Ashanti is now carried on; but for the most part the people of these areas remain subsistence farmers, and the report of the Department of Agriculture for the year 1945/6 comments that in many districts the margin between subsistence and starvation is still dangerously narrow. As a result of these conditions a considerable and growing number of men are attracted away from their homes by the chance of earning money in the mines, in the cocoa-farms, or in the timber industry of the south.

The wide disparity between the economic conditions in the northern and those in the southern part of the country is, naturally, reflected in the social and political fields. Political life in the Colony, and to a lesser extent in Ashanti, is vigorous, and political movements have been able to exert a greater influence on Government policy than is commonly the case in African colonial territories. In the Northern Territories, on the other hand, life is still too near the margin of subsistence for any great interest in matters of a political nature to have developed. The forms of social organization developed by the peoples of the various divisions of the country prior to the imposition of British control differed also, ranging from the complete absence of any authority higher than the head of the kinship group, which was the position in certain areas of the north-west of the Northern Territories, to the centralized State of Ashanti. Added to this is the fact that the different divisions of the country were incorporated at different times and under different historical circumstances. As a result the local government institutions of the territories have developed along different lines, even though to-day a uniform theoretical basis for their authority has been accepted throughout the country.

LOCAL GOVERNMENT IN RURAL AREAS

The system of " Indirect Rule "—that local administration should be entrusted to native institutions having their roots in age-old custom, subject to the supervision and overriding political authority

of the central government—has never been applied whole-heartedly in the Gold Coast (except in the Northern Territories). In this respect the Gold Coast has differed notably from Nigeria, where full-blooded indirect rule was introduced as early as 1916. The Gold Coast system was designed to show the greatest respect to the position of the chief as representative of the stool.* But this in itself made it impossible to exert that control which was demanded of native institutions to be effective agencies of local government. In practice the Gold Coast system has been described as "a mixture of direct and indirect rule with a steady bias towards the latter."

Administrative difficulties in the Gold Coast have centred round the position and powers of the chiefs—do the chiefs and Native Administrations derive their powers from their traditional position in native society, or by delegation from the Government? Is the Government the sole source of authority without whose recognition and approval they cannot legally function? The history of the relationship between Government and chiefs gave rise to confusion. When, by the Bond of 1844, the native rulers of the Gold Coast agreed to the exercise of the British authorities of jurisdiction within their areas, the rulers were in fact left to exercise undisturbed the powers they enjoyed under native custom. There was at that time no definite intention on the part of the British Government to occupy the territory permanently and to set up a centralized form of government; they were concerned rather to secure the conditions necessary for secure and orderly trade.

Thus it was that the British Government appeared to recognize the possession by chiefs of inherent powers of government. When, later, it was desired to apply the more modern view of Native Administrations as deriving their powers solely from the Central Government, it became exceedingly difficult to secure popular acquiescence. Political controversy in the Colony has for long raged round the claim of Government that it alone is competent to constitute Native Authorities by formal appointment, and the counter-claim of the chiefs to possess inherent rights of jurisdiction independent of Government recognition. The official view has always been that the question was settled when the Protectorate was constituted a Colony in 1874, but this view has never been accepted by the majority of the local chiefs and the lawyers who form so important a part of the educated section of the Colony population.

Now, however, the acquiescence of the chiefs, at least in the

* The "stool" or throne, in West Africa, embodies the soul of the people in each tribe.

official interpretation of the position, has been secured, and the possibilities of further dispute lessened, if not altogether removed, by the Ordinances of 1944, passed by the Legislative Council with the consent of the chiefs' representatives, but against the strong opposition of the elected members representing the Municipalities. Up to that year the election and installation under customary law of Paramount and Divisional Chiefs had to be reported to the Governor, who merely took cognisance of the fact, having limited powers of intervention only in a case of disputed election. The law now leaves no doubt that the Governor has the power formally to appoint as Native Authorities persons who are not chiefs under native custom, even for areas where customary chiefs have jurisdiction, and it is made plain that persons discharging the functions assigned to a Native Authority can only lawfully do so so long as they are recognized by the Governor. The non-appointment of a customary chief does not mean that he can no longer exercise any of the powers nor discharge any of the functions of his customary position; but the exercise of certain powers would most probably involve him in a breach of the law, and even if this were not so, the loss of prestige which must result from the setting up of a rival authority discharging functions which would normally be regarded as proper only to a chief must react with some force on his customary position. The Ordinances of 1944 bring the Colony into line with the other divisions of the country where circumstances were from the outset more favourable to Government in permitting the assertion of a greater measure of control over the indigenous rulers.

This is not the place to attempt an examination of the issues underlying the dispute in the Colony; they are part of the general political situation. But it can be said that the usefulness of the native administrations as agencies in the expansion of the social services has been limited by the tendency of the Departments of the central government to by-pass them and to provide services directly through their own agencies. This is due to the mistrust (often unfortunately justified) of the ability of the native administrations to run services efficiently without a greater degree of administrative control than could be secured.

Northern Territories and Northern Togoland

In the Northern Territories it was found possible to introduce "indirect rule" through Native Administrations, without the difficulties experienced in the Colony or Ashanti. The administration

of the Northern Territories by Great Britain dates from the proclamation of the Protectorate in 1901. From the start it was controlled by the officers of the administration with the assistance of the chiefs, and not infrequently official recognition was accorded to men who had no title to the chiefship under native custom. The result of this system was a general weakening of the authority of the chiefs. Tribal disintegration was accentuated by the arbitrary division of the territory into districts without regard to tribal boundaries, and by the fact that the border between the Territories and German Togoland sometimes placed two sections of the same tribe under different political control. This difficulty was somewhat eased when in 1919 the western portion of Togoland came under British administration, but the drawing of the new international boundary between British and French Togoland created new problems in this respect which still remain a source of complications. As a result of a survey undertaken in 1929, it was decided in 1931 to introduce a system of native administration similar to that already in force in Nigeria and Tanganyika, and in 1932 the necessary Ordinances were enacted. District boundaries were modified to correspond more nearly with tribal divisions, and agreements were concluded with chiefs who had, since the protectorate, exercised independent authority by which they acknowledged the superior authority of their traditional paramount chief. The Ordinances of 1932 remain the framework of the Native Administration system which is in operation to-day, with the exception of the Native Tribunals Ordinance, which was replaced by a more comprehensive Ordinance of 1935.

The Governor has power to appoint for any specified area "any chief or other native, or any native council, or group of natives or native councils," to be the Native Authority for the area, and to declare any Native Authority subordinate to any other. He may also appoint a member of any native council or group of natives to preside, and may fix a quorum. The law leaves no doubt that Native Authorities derive their legal powers from Government, and cannot function unless and until formally appointed to do so. The Governor can direct that any Native Authority shall exercise only specified powers; and he may order the removal from office of any Native Authority, but the people themselves have no direct power to rid themselves of an appointed Authority, even though they have claimed the right to depose chiefs under native custom.

The law is thus sufficiently elastic to allow for a considerable variety of practice. This arises out of the previous variety in social

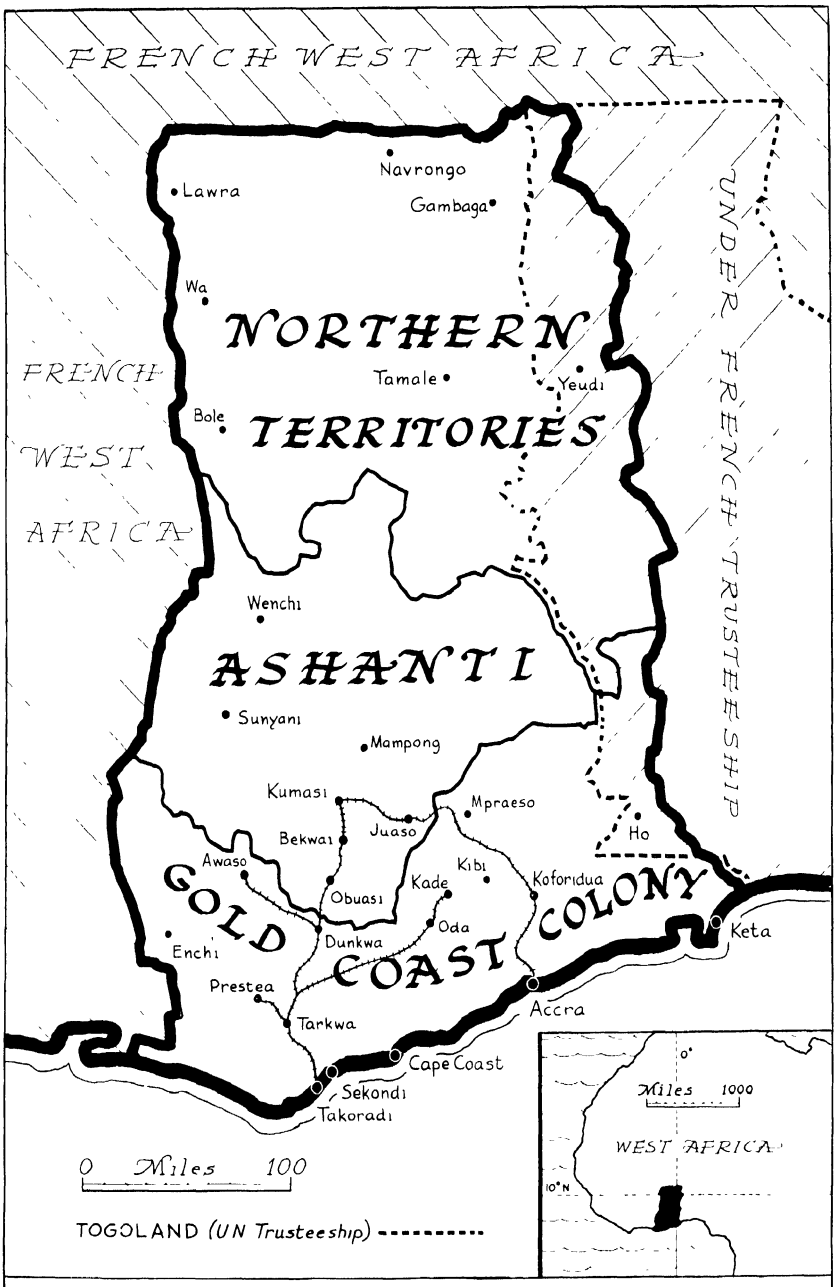
organization and from the need to modify traditional arrangements in response to new needs. Over the larger part of the territory the rulers are of a different stock from the people, and the system of rule by chiefs through sub-chiefs down to the village level was superimposed on the original organization of which the family was the basis. In certain areas of the north-west which remained immune from outside invasion the old organization remains intact. Elsewhere the influence which the paramount chiefs exercised over the selection of their sub-chiefs varied in extent, the nearest approach to autocracy being found in chiefdoms which came under the influence of the Islamic religion. In general the village councils of family heads continued to play a part in the system. To-day the sub-chiefs who are appointed subordinate native authorities by Government are in the principal chiefdoms selected by the Paramount chiefs from certain chiefworthy families; but where the system has been proved to lead to corruption or to estrangement from the people in their village councils the Government itself appoints village headmen or councils as subordinate native authorities. In other places confederacies of small chiefs have jointly been appointed, and these have often proved the most successful Authorities.

The Native Authorities have the duty of maintaining order, preventing crime and apprehending criminals. They have power to issue orders on such subjects as gambling, the distilling and sale of liquor, the carrying of arms, the movement of livestock, the extermination of tsetse-fly and locusts, water pollution, timber-cutting, grass-burning, evasion of tax, infectious diseases, the report of births, deaths and marriages, and any other subject which the Governor may sanction; and they have special powers in the event of famine. The administrative officer can require the issue of any order or himself issue it in default, and he also has power to cancel any order made by a Native Authority. Subject to the approval of the Governor and the concurrence of its Superior Native Authority (if any), an Authority may make rules for the peace, good order and welfare of the inhabitants of its area of jurisdiction, and such rules may prescribe fees and impose penalties. In addition to these executive powers, Native Authorities have Courts which are closely supervised by the administrative officers and whose powers are determined by the grade in which they are classified.

The financial basis of the Native Administrations is provided by Native Treasuries set up under the Ordinance of 1932. This Ordinance gave the Chief Commissioner of the Northern Territories, with

the approval of the Governor, power to establish a Treasury in any area under the jurisdiction of a Native Authority, and, with the same approval, to make regulations declaring and defining the sources of the revenue to be paid into the Treasury, providing for the raising of the revenue by means of levies and other specified forms of taxation, fixing the amount which might be so raised, prescribing methods of collection, etc. Chiefs had been accustomed to impose occasional levies for public purposes and to collect tribute; and the tribespeople had been under obligation to provide unpaid labour on road works, but no attempt to impose a direct tax had ever been made by Government. In 1936, however, the customary obligations and tribute were commuted into a direct tax imposed by Government but paid over in whole to the Native Treasuries, in order to put them on a stronger financial footing. The method of assessment of the tax, which is collected by the Native Authorities themselves under supervision, varies as between different areas, but the incidence is light. Other sources of revenue to-day are land rents, royalties, court fees and fines, market fees, timber-cutting fees, etc., Government grants in-aid, and grants from the Benefits Trust Fund—a Fund administered by the Governor in Council, financed by a proportion of urban rents, rents from non-natives in rural areas, mineral royalties, etc., and designed to assist in the improvement of conditions in the Northern Territories. For the year 1943/4 the actual revenue of Native Administrations from all sources totalled £85,714, and the actual expenditure amounted to £79,650. These figures have been increasing steadily year by year. In 1946/7 the revenue was £140,000 and expenditure £137,000; and the estimated figures for 1947/8 were £158,000 and £162,000.

It is generally agreed that the Native Authority system of the Northern Territories has operated to the satisfaction of Government and to the benefit of the people. The expansion of the social services through the agency of the Native Administrations is restricted not only by lack of financial resources—for a total income of £85,714 can hardly be called adequate in a country of more than three-quarters of a million inhabitants, living under such unpromising conditions—but also by lack of suitably trained and qualified staff. Nevertheless, great progress has been made since the early days of the system, and increasing interest is being shown by the Administrations in education, sanitation, protection of water supplies, agricultural education, etc. In certain areas a beginning has been made with the appointment of members of the Administrations to take charge of particular aspects of the Administration's work.



The Gold Coast

Ashanti

Over the greater part of Ashanti the people are of the same race (Akan) as the majority of the Colony's population, but for nearly a century, up to the time of their final defeat in war by the British in 1896, the Ashanti nation waged almost continual warfare against the chiefdoms of the south and against the British protecting authorities. Under the stimulus of warfare the villages, under their councils of family heads, became grouped into " sub-divisions," which in turn were grouped into " divisions," the whole culminating in the Ashanti Confederacy, under the headship of the chief of the Kumasi division, who was given the title of Asantehene. While the Ashanti national organization had something of a monarchical character, the divisional chiefs had almost entire independence within their own divisions: and all chiefs of the hierarchy, from the village headmen upwards, were selected from chiefworthy families by the leading figures of the unit concerned, not by the superior chief.

When in 1896 the military power of the Ashantis was finally broken, and the Protectorate declared, the first consideration of the British administration was to secure itself against any possibility of a fresh outbreak; the Confederacy was therefore formally dissolved. There was, nevertheless, an unsuccessful rising at Kumasi in 1901, and as a result the country was annexed to the Crown as a Colony and the former Asantehene and the members of his family were deported.

It was natural, under the circumstances, that the administration should have deliberately aimed at the disruption of the existing system of native government, by reducing the power of the larger chiefs and encouraging their subordinates to claim independence. In many cases, too, men who had no hereditary claim were recognized as chiefs in pursuance of this policy. As the power of the administration became more firmly established, and fears of a renewal of resistance receded, the attitude of Government towards the traditional authorities underwent a change. In 1926 the former Omanhene (Paramount Chief) of the Kumasi Division was allowed to return from exile and was reinstated. In 1932, when the Native Authority system was introduced into the Northern Territories, investigation into the position in Ashanti was begun, and revealed that the majority of the people would welcome the restoration of the Confederacy. This event finally took place in 1935, and the Omanhene of Kumasi was installed as Asantehene in accordance with native custom. At the same time Native Authority and Native

Courts Ordinances on similar lines to those already in force in the Northern Territories were enacted.

Only two areas of no great importance are outside the Confederacy, and there the customary authorities are recognized as Native Authorities. Over the remainder of the country the Confederacy Council, consisting of the head chiefs of the Divisions and the chiefs of the Kumasi clans,* is the Supreme Native Authority, with circumscribed legislative powers covering the whole Confederacy area, which are exercised subject to the Governor's approval. The main executive organs are, however, the Divisional Chiefs and their Councils, who are the Native Authorities within their own Divisions, and below them come the sub-divisional chiefs and the village headmen. The Divisional Native Authorities have powers similar to those conferred on Native Authorities in the Northern Territories for issuing orders and making rules, of which much use has been made, often at the instigation of the Central Departments. As is commonly the case, there is a parallel system of Native Courts classified into grades and ranging from the Asantehene's court at the summit of the pyramid, through divisional and sub-divisional courts to those of the lowest grade, serving smaller, outlying areas. The system is not, however, self-contained, but is linked with the Government court system, both by supervision and by provision for appeal.

To provide the financial basis for the operation of the system, the Native Authority Ordinance of 1935 authorizing the setting up of Treasuries into which should be paid all dues, rates, tributes and fees which might, with the Governor's approval, be levied, all grants and royalties, and such part of the revenues derived from stool† property as the Governor might determine.

During the years following the enactment of the Ordinance, Treasuries were established for all Divisions and for some the more important sub-divisions; but for many years their operation was severely handicapped by insufficiency of revenues, which were barely large enough to meet current expenditure on establishment charges, etc., leaving no margin for the development of urgently needed social services. This operated to reduce the effectiveness of the

* The Kumasi clan chiefs are directly subordinate to the Asantehene in his capacity as head of the Kumasi Division, and have charge of a number of villages scattered throughout the country, forming enclaves in the territory of other Divisional Chiefs.

† Every chief has a "stool" which is the symbol of his authority and which also has a religious significance. The word has thus come to be the equivalent of "chiefship," and is also used adjectivally. Stool property is property which belongs not to the chief personally, but to the community as a whole, and which the former administers as guardian of the general interest.

Native Administrations as responsible local government bodies, for such social services as were provided were borne on Central Government funds, and their operation consequently retained in the hands of the central departments concerned.

The paucity of funds was due not to a lack of resources in the country, but to the fact that the conception of the stool authorities as agencies for the provision of social services was entirely foreign to native society, and regular contributions towards the upkeep of the stool authorities were unknown. Only occasional levies for specific purposes—such as public celebrations or the liquidation of debts—were sanctioned by custom, and public opinion, basing itself on tradition, was strongly opposed to the imposition of direct taxation. Nor was there any direct tax imposed by Government from which a rebate could be paid to the Native Authorities, as in other territories with a similar system of indirect rule. The main sources of revenue were therefore court fees and fines, and the tribute paid to the stool authorities by " stranger " cocoa-farmers; some treasuries also benefited from sums paid for mining rights, forest revenues, etc. The Native Authorities themselves were not slow to recognize the disadvantages arising from the smallness of the resources at their disposal, and made increasing use of the system of occasional levies (for which Government permission is necessary) to raise revenue not wholly devoted to the traditional purposes but diverted to such services as sanitation and education. Finally, Government approval and public acquiescence were obtained for the imposition by the Confederacy Council of a national levy, the proceeds of which accrue as to two-thirds to the Division from which it is collected and as to one-third to the Confederacy Council, and which is destined wholly for development and welfare.

As a result of these developments the total revenues of the Treasuries rose from £51,500 in 1942/3 to £109,900 in 1944/5, to £167,000 in 1945/6, and to as high a figure as £309,000 in 1947/8. Expenditure in 1944/5 totalled £87,000, in 1945/6 £138,000, and was estimated to reach £329,000 in 1947/8. The year 1945/6 had the distinction of being the first in which a deficit on current account had been budgeted for—the deficit to be made up from accumulated balances, which in the case of most treasuries are now fairly considerable, amounting to £95,000 at the beginning of the year 1946.

A notable feature of the last few years has been the greatly increased interest in education, stimulated by the formation (in the Colony as well as Ashanti) of District Education Committees and the payment of grants-in-aid from central funds. Whereas in 1941-2

only £461 was devoted to expenditure on education by the Ashanti Treasuries, in 1944/5 the figure was £5,600, rising to £51,000 in 1946/7 and to an estimated figure of £71,000 in 1947/8. Expenditure on medical and health services and on agriculture and forestry also shows substantial increases, the estimated totals for 1947/8 being £18,000 and £1,900 respectively. "Extraordinary" expenditure—on the construction of schools, bridges, latrines, water supplies, market buildings, town streets, etc.—has increased almost ninefold over the period 1944/8, and now stands at £70,000. On the other hand, a large proportion of the expenditure continues to be devoted to administration expenses; and it is somewhat disconcerting to find that provision is made in the 1947/8 estimates for a sum of £15,000 to be spent on Native Authority police and prisons—in contrast with the £1,900 allowed for agriculture and forestry.

On the revenue side, the amount raised by way of direct taxation (levies) has shown a remarkable jump, from £38,000 in 1945/6 to £105,000 in 1947/8. In 1945 the Government declared its intention to make available to the Treasuries grants equal to the amounts raised by the Authorities in direct taxation or spent by them in development, whichever might be the lesser, and to entrust the disbursement of the grants to the Confederacy Council.* Government grants did in fact leap from £713 in 1944/5 to £34,000 in 1945/6, and to £50,000 in 1947/8.

Since 1940, also, the administration of the Treasuries has been much improved. In that year new Regulations were introduced at the same time as legal protection was accorded to stool and native authority funds. The appointment of proper Treasury officers is compulsory and is subject to the approval of the Chief Commissioner, as are all other Native Authority staff appointments; and disbursement of money is strictly controlled through the estimates, which are subject to the same approval. Public audit is carried out twice yearly. By the end of 1947 every divisional Treasury in Ashanti was supported by a Finance Committee, composed, in most cases, of members of the general public with special interest in local affairs and special abilities—in addition to the traditional councillors. This has increased public confidence greatly. Standardized forms of estimates, receipts, account books, etc., are being drawn up.

From the foregoing it will be seen that the Native Authorities have now begun to play a more active part in the field of development and welfare—in other words, to shoulder the rightful responsibilities of local government bodies. As is always the case in a com-

* "Governor's Speech Before the Legislative Council," 6th March, 1945.

paratively "backward" country, one of the main difficulties is the lack of trained staff. This matter is now being taken in hand by the Confederacy Council, which has decided to establish an Ashanti clerical service; this will mean that all staff will be employed by the Confederacy on terms similar to those of the Government service, and will be liable to posting anywhere within Ashanti. The result should be an improvement in the standards of Native Authority administration. This is an example of the centralizing tendency which has lately been displayed by the Confederacy Council, which was formerly rather a legislative than an executive body but which is now increasingly interesting itself in this aspect of government. The divisions, however, which have always enjoyed a large measure of independence from the Confederacy, are suitable units for administrative purposes and will doubtless retain a wide field of original authority within the co-ordinating framework of the Confederacy.

From the point of view of Government, the traditional system of rule in Ashanti (and even more that of the Colony) had one grave defect which detracted from its suitability for adaptation as a system of local government as it is generally understood. This was the practice of "de-stooling" chiefs who had, for one reason or another, ceased to be acceptable to the people, a practice well established in native custom. Since the establishment of stool treasuries on a proper basis, destoolment has decreased, no doubt because the possibilities of abusing the stools' authority to dispose of lands have been removed and because the public audit of treasury accounts has increased confidence in the administration of funds. Also from the Government viewpoint, there is a further danger of the impairment of central Authority in the possibility that a chief removed from his position as Native Authority by the action of Government may retain his standing in the eyes of the people, making the position of the Native Authority appointed in his stead difficult in the extreme —such cases have occurred on occasion. To meet such eventualities the Native Authority Ordinance confers on Government the power to require the removal of a deposed Native Authority to another part of the country. This question of destoolment and of the anxiety of Government to curb this practice will be referred to later in connection with the Colony.

The Gold Coast Colony

Although the Colony has roughly the same area as its northern neighbour, there is much more tribal diversity. But over the greater

part of the country the people belong to tribes of the Akan race, and the social organization is similar to that of Ashanti—villages being grouped into divisions corresponding to the sub-divisions of Ashanti, and divisions into States, each with a Omanhene or Paramount Chief at its head. This grouping took place, as in Ashanti, for military purposes, but the further stage, of a federation of States under a single head, was never reached, and the States remained completely independent and separate each from the other. Under British rule, however, the Paramount Chiefs of the States were grouped into Provincial Councils in 1925, one Council being constituted for each of the three Provinces (Western, Central and Eastern)* into which the country was divided for administrative purposes.

The object in forming these Councils was to provide electoral colleges for the States' representatives in the newly reconstituted Legislative Council, and to bring the Paramount Chiefs together to discuss matters of common interest and to give preliminary consideration to Government Bills; the Councils also had judicial functions, exercised through Judicial Committees, in respect of certain disputes of a constitutional nature, but their jurisdiction in this respect has since been abolished. Out of these Provincial Councils has grown a Joint Provincial Council, inaugurated unofficially in 1936, and given statutory recognition in 1942; this is in fact a meeting of all the Paramount Chiefs of the Colony. It is held once a year, and a Standing Committee is elected to deal with business arising between meetings. All these Councils have up to now been purely deliberative and have had no executive functions, but an attempt is now being made to give the Joint Provincial Council certain financial responsibilities. It is not yet clear how, if at all, the Provincial Councils will fit in to any genuine local government system. The type of problem they represent is discussed under questions of "structure" in chapter 13.

Reference has been made above to the long-drawn-out dispute between the Government and the States as to whether the chiefs possessed inherent rights derived from their position in African society or whether Government had the right to accord or withhold its recognition at its discretion. The Native Administration Ordinance of 1927 was a compromise measure passed after many unsuccessful attempts by Government to secure a greater degree of legal control over the operation of the State institutions, particularly on the judicial side. The States, however, seem to have had the better

* The number of Provinces has now been reduced to two by the absorption of the Central Province into its Eastern and Western neighbours.

of the bargain, for while better control over the native tribunals was gained, Government did not succeed in obtaining a declaration that no rights could be claimed against the authority of the Crown. The election and installation of stoolholders continued to be carried on under native customary law as before, the fact of the election of a Paramount or Divisional Chief merely being reported to the Governor.

Under this system, therefore (which bore little resemblance to Native Administration systems of other territories under indirect rule), the peoples of the States continued to be ruled in the significant affairs of their lives directly by their hierarchy of chiefs and councils, culminating in the highest authority in the State—the State Council.* (Under native custom this Council consists of the Paramount Chief, Divisional Chiefs, Village Headmen—if these choose to attend, which is said to be rarely the case—Councillors and Elders.) The Ordinance of 1927 gave to the State Councils (or recognized their possession of) legislative, executive and judicial powers, and allowed for the setting up of stool treasuries for the State and/or its divisions; but the decision as to whether treasuries should be set up or not was left to the State Councils themselves, since the Ordinance conferred no power on Government to compel such action, nor was there much control over Treasuries which were tardily and unwillingly established. The maladministration of stool revenues was widespread under these circumstances, public revenues being commonly shared out among chiefs and councillors in the absence of any system of accounting, and abuses were facilitated by the general absence of any clear distinction between a chief's personal income and the stool revenues. These revenues were largely derived from tribunal fees and fines, market dues, etc., and from occasional levies for special purposes; and in the case of some stools, from payments for mining rights or cocoa cultivation. The quite considerable revenues of some of the stools, notably those of the mining areas, and the ease with which they could be diverted to the personal enrichment of the chiefs gave rise to intense competition and the use of bribery on a large scale to secure office, and to a large amount of litigation over land between divisions and States resulting in the piling up of debts.

This unsatisfactory state of affairs was a cause of grave anxiety to Government, which accordingly made attempts to ensure better

* There is some doubt as to whether the State Council was in fact the highest authority in the State in strict native custom, or whether it was in fact an importation into native custom in pursuance of the British policy of trying to weld together the native States under a central authority. The point is a controversial one.

control over such treasuries as had been established. Proposals for the direct taxation of the people were opposed in 1932, and in no instance did a real, effective Treasury exist. In 1936 it secured the passing of an amendment to the 1927 Ordinance, which gave the Governor power to make regulations for the proper conduct of treasuries. In 1937 such regulations were made. There was, however, still no power to compel the establishment of treasuries, and Government finally introduced a new Ordinance, incorporating the 1937 regulations, which was passed in 1939. This gave the Provincial Commissioner power to require the establishment of Treasuries for States, divisions and lesser areas, and gave the Governor power to act in default. Each State Treasury was now to be managed by a Finance Board appointed by the State Council, or by the Provincial Commissioner in default, and each lesser treasury by a Finance Board appointed by the subordinate authority or by the State Council in default. The imposition of an annual rate or tax, subject to the approval of the Governor, was sanctioned. This tax could be imposed on natives ordinarily resident in or owning immovable property in the area for which the treasury was established; and in accordance with the customary view of the State not as a territorial area but as a structure of personal relationships—the individual "carrying his State with him" when he moved and remaining a subject of it—sanction was also given to the imposition of the oath on subjects of the State not ordinarily resident in the treasury area.

The introduction of the new treasury system, if not wholly successful at first, has made progress, so that the Governor was able to tell the Legislative Council in 1943 that "There is ample evidence that Native Administration treasuries have been accepted by the chiefs and people of the Colony as the foundation on which local government can be built." In spite of progress in this direction, the operation of the Native Administration system generally was felt to be unsatisfactory, particularly when judged by the standard of its contribution to the development of social services. It was in this same year (1943) that a Committee appointed to inquire into the working of Native Tribunals made a report confirming the general complaint that serious deficiencies existed in this important branch of the Native Administrations' work—one of which concerned the practice of sharing the fees and fines received among the members of the tribunal. As a result of that report a new Ordinance was introduced in 1944, which set up a system of Native Courts classified into grades, similar to that already in Ashanti. The opportunity was taken to introduce at the same time a Native Authority Ordinance

designed (in the words of the preamble) "more effectively to secure to Native Authorities their due place in the administration of the Colony." The Bill was prepared in close consultation with outstanding representatives of chiefly opinion, and was based on recommendations submitted by the Joint Provincial Council, but was strenuously opposed by the three elected members representing the Municipalities, on the grounds that it was based on principles totally opposed to the customary laws of the Gold Coast and contained provisions totally at variance with the accepted principles of English constitutional law. This opposition was, however, unavailing in face of the support of the representatives of the chiefs.

This Ordinance gives the Governor power to appoint as Native Authority for any specified area "any Chief and Native Council, or any Native Council, or any group of Native Councils or of Chiefs and Native Councils," and to direct that any Native Authority shall be subordinate to any other. This is in line with the already existing position in Ashanti and the Northern Territories. The provision for the appointment of groups of chiefs and councils is designed to enable the formation of federations of smaller States into more effective units—a need which had already by the date of the Bill been recognized by some State Councils—and the power to grade authorities as subordinate or superior merely makes possible the recognition of the already existing hierarchy. But the Ordinance also confers on the Governor power to pass over a Chief, in any particular area if he is satisfied that his appointment as Native Authority would be inexpedient, and to appoint in his stead "such person or persons as he shall deem fit." It is made clear that the recognition of Government is essential to the legal functioning of chiefs as Native Authorities, and that the appointment of Native Authorities can be revoked by the Governor, who can also direct that only specified powers may be exercised by any Native Authority. All its powers and duties under customary law are preserved to every Native Authority. Power is also conferred on superior Authorities to make orders (subject to the approval of the Provincial Commissioner) on specified subjects and generally for "the improvement of sanitation and the better preservation of health," and rules (subject to the approval of the Governor) for peace, order, good government and welfare. The issue or revocation of rules and orders may be required by the appropriate administrative authority.

These provisions would appear to give the Government sufficient control to ensure that the Native Authority system operates to its satisfaction. On the financial side, too, more comprehensive powers

have been taken. Every Native Authority must appoint a body now called a Finance Committee to manage its finances. The Committee must consist of a Chairman, Treasurer and three other members, all being fit and proper persons appointed by the Native Authority but not necessarily members of that body, the appointment of the Treasurer being subject to the approval of the District Commissioner. If any Native Authority now fails to appoint a Finance Committee, the Provincial Commissioner can himself exercise its powers in regard to finance. Estimates of revenue and expenditure must be submitted to the Provincial Commissioner at such time as he appoints for the approval of the Governor, and no payment other than is provided for in the approved estimates may be made without the written authority of the Provincial Commissioner.

The sources of revenue of Native Authorities are set out at length in the Ordinance and include all moneys payable to a Native Authority or to the Stool of a Chief in respect of rents, tributes, royalties, profits or other revenue derived from lands in the ownership of the Native Authority or stool, court fees, and fines; receipts from school fees, market fees, slaughterhouse fees and any other tolls, fees, etc., and any other dues which might be levied under native custom, the amount of these being fixed by resolution of the Native Authority and approved in writing by the Provincial Commissioner; and the proceeds of any rate imposed by the Native Authority. Native Authorities are empowered to impose an annual rate with the approval of the Governor, which must be applied for annually; and this may be imposed on persons ordinarily resident or owning immovable property within the area of the Native Authority. Similar measures to those already described in Ashanti are proposed to encourage the imposition of direct taxation for development purposes, and the distribution of grants is to be entrusted to the Joint Provincial Council.

In the past, the large number of Native Authority treasuries has meant a wasteful expenditure on administration. Following upon the 1944 Ordinance, groups of Chiefs and Councils have voluntarily formed themselves into a unit with a common treasury. Although federated for financial purposes, each paramount chief retains executive authority in his State. These reforms have saved expenses on administration and enabled social services to be undertaken on a larger scale of organization.

Recently there has been a great expansion in the revenue and expenditure of Native Authorities. Total revenue expanded from £48,000 in 1938/9 to £374,000 in 1946/7 and an estimated £478,000

in 1947/8. The largest source of revenue is the annual rate, which was £68,000 in 1945/6 and an estimated £132,000 in 1947/8. Government grant-in-aid also increased in these years from £12,000 to £63,000. Expenditure has been rising correspondingly, and was estimated at £475,000 for 1947/8. The largest individual item, as in Ashanti, is education (£93,000); medical and health expenditure (£39,000) has also been increasing, but so has the expenditure on administration (£88,000) and on police and prisons (£40,000 as against £25,000 two years previously). A system of development grants to Native Authorities has been instituted by Government, and also a system of education grants. The greatly increased enthusiasm for education, on the part of the Native Authorities, is particularly noteworthy.

In the Colony, as in Ashanti, lack of sufficient staff trained on the right lines is a handicap to the successful working of the Authorities, and the establishment of a unified Native Administration service similar to that which is now proposed for Ashanti would, if it proved possible, undoubtedly be of great benefit in reducing the incidence of nepotism and in raising the general standard of conduct—on both of which counts much comment unfavourable to the African is now made. Evils of this nature must, however, take time to eradicate, for they are rooted in the social system, in which the family is all-important while loyalty to the wider social group is comparatively weak. Education is probably the key factor in this situation; it can be said that the problem of securing trained staff of the requisite calibre is so closely bound up with the general question of education that the two cannot be separated.

As in Ashanti, the traditional system, while it may not have so essentially a democratic character as has sometimes been claimed for it, does contain certain elements of democracy, for the base of the pyramid of authorities is formed by the family groups (using the word "family" in its widest sense) electing their own family heads within the villages. The highest authorities are thus indirectly elected by the people. "Every member of the community, from the humblest to the highest, takes part in the appointment, election and/or selection of those who constitute the Governing Body, known as the State Council."* Nor have the chiefs throughout the

* Article by Dr. K. A. Korsah, C.B.E., on "Indirect Rule—A Means to an End," in "African Affairs," Vol. 43, No. 173, October, 1944. This observation refers to the position prior to the passing of the Native Authority Ordinance; the State Council is now no longer necessarily the Governing Body, although this is in fact usually the case. It should be clearly stated that the accuracy of this observation as a description of the facts would not be universally admitted.

hierarchy any autocratic powers under native custom; they must act in association with councils. The operation of the democratic principle is, however, weakened by the restriction of the choice of chiefs at each level to the members of certain hereditary "stoolworthy" families; and however effective may be popular control at the village level, it is said that this loses force at the higher levels.

Native custom recognized the right of the people to depose their rulers as a safeguard against oppression. The practice of destoolment has been widespread in the Colony (and to a lesser extent in Ashanti) partly as a result of competition for the richer stools and partly as a result of the tendency on the part of the chiefs, in carrying out their more modern duties, to act independently of their advisers in the interests of speed. The prevalence of destoolment, both among the Paramount and among subordinate stools, has for long caused the Government great anxiety, and attempts have been made to bring it under control—without conspicuous success, for as late as 1943 there were disputes in the case of six of the sixty-three Paramount stools of the Colony. In 1944, however, the Government were successful in incorporating in the Native Authority Ordinance clauses authorizing the removal from the area of a Native Authority, on the recommendation of the Authority and with the assent of the Governor, of any person who is convicted of committing acts "with intent to undermine the lawful power, etc., of the Native Authority" or of a person who has been a Native Authority or a member of one. It was these deportation clauses which caused the gravest offence to the opponents of the Bill in the Legislative Council, for while assurances were given by Government about their use, it was pointed out by one of the Municipal Members that no mere verbal assurances could bind future Governments.

The system of indirect rule through a traditional hereditary ruling class has in general a tendency to cast institutions, by nature fairly flexible, into a conservative mould, both because of the crystallization into written law of custom at one particular point of its development, and because in its practice Government naturally seeks to ensure stability and continuity. However that may be, partial or complete damming up of this channel of popular control raises the question of providing some less disruptive method of associating the people directly with the work of their local institutions. Grave doubts as to the possibility of adapting the State organizations as effective modern local government bodies have been expressed by many representatives of progressive opinion. If, however, as appears to be the case, no alternative system is contem-

plated, the question of increasing popular participation and control needs early consideration.

In some States there is already a measure of direct representation by the inclusion in the State Council of representatives of popular organizations known as Asafo. Originally companies of warriors choosing their "captains" for their qualities of leadership rather than for blue blood, the Asafo developed in some parts into organizations representing the interests of the common people against the hereditary ruling families, their power varying in different places. The advisability of inviting Asafo representatives to attend meetings of State Councils was acknowledged by resolution of the Joint Provincial Council in 1936, but the practice varies. The need to provide within the scheme of native administration for the emergent middle class both in the Colony and in Ashanti has often been pointed out, and it is certainly all to the good that the educated minority is said to be slowly finding its place in local government, but the needs of the mass of the population, whose interests do not necessarily coincide with those of this new class, do not seem to have received so much attention.

Togoland (Southern Section)

While much of what has been said above with reference to the Colony applies equally to the Southern Section of British Mandated Togoland, the actual form which the system takes is somewhat different owing to the very different history of the area from that of the Colony.

Togoland became a German colony—the first in Africa—in 1884. The chiefs were used as agencies of government wherever possible, and were allowed tribunals with limited powers. But although the peoples of the southern areas were of common race, language and customs, they had not reached the stage of uniting divisions into States; above the village level there were only chiefs exercising jurisdiction over groupings which in the Colony would have acknowledged common allegiance to a Paramount Stool, and these divisional units only occasionally united for purposes of defence. The German authorities discouraged any such combinations, and under their rule disintegration became complete.

After the assumption of the Mandate by the Imperial Government investigations into native customary organization was undertaken, and voluntary amalgamation of the independent divisions into "States" on the Colony model were encouraged. The first legislative enactment which laid the foundation for the system

subsequently built up was the Native Administration Ordinance of 1932. By this Ordinance (and subsequent amendments) the Governor was empowered to appoint any native or group of natives to be the Native Authority for any administrative area; and, profiting by its experiences in the Colony, Government ensured at the outset the recognition of the principle that customary chiefs exercise their powers as Native Authorities solely by virtue of their formal appointment. Divisional Councils were constituted for Divisions coming together to form States, and State Councils for the newly created areas. State Councils were given power to make bye-laws, subject to the approval of the Governor, including bye-laws setting up treasuries. Not all the divisions were willing to merge their independent identities in artificially created States, but in the areas to which cocoa cultivation was successfully extended there was a stronger inducement to amalgamate in that the right to hold tribunals was granted to the chiefs who did so, and in these wealthier areas this right was sought after as a source of revenue.

Little progress was made with the establishment of treasuries, and in those States which did attempt this, difficulty was found in collecting levies, even for specific objects. In 1939 an attempt was made by Government to improve the position by extending to Togoland the operation of the Ordinance already described in connection with the Colony, giving a greater degree of control over treasuries already established and enabling Government to require the establishment of treasuries in States which had not so far acted voluntarily.

The attempt to fit all the customary organizations into the mould of the Colony State system was, however, found not to be successful for all areas, and in 1946 the law was amended to allow of greater flexibility in operation. The Governor may now appoint as Native Authority for any administrative area any Paramount, Divisional or other Chief and Native Council or any Native Council, or any group of these, but where he is satisfied that it is inexpedient to appoint any of these he may in addition to or in substitution for any of them appoint as Native Authority such person or persons as he may think fit, every person so appointed being eligible in the first instance for a three-year term of office. The Governor can now direct that any Native Authority shall exercise only specified powers, can revoke any appointment, and can direct that any Native Authority shall be subordinate to any other. Native Authorities not being subordinate have power to make bye-laws on the same terms as those of the Colony, and Finance Committees similar

to those prescribed for the Colony must now be set up for the management of Native Authority finances.

Local Government in Urban Areas

Before the coming of the British, certain purely native townships existed in the Gold Coast, ruled by traditional authorities. As long as they were composed wholly of the members of the tribe, they were true political units and presented no difficult administrative problems. But this position has not been maintained. The town populations have been swollen by immigrants from other tribes, and new urban agglomerations have grown up, containing a mixture of European officials and traders and a diverse native population drawn from various parts of the country. In these townships some form of modern municipal government became necessary. In some towns, however, very difficult problems are now being experienced. Towns like Kumasi, for example, are intermediate between true political units and urban agglomerations, and the key problem for them is whether they are to remain inside the political States (e.g., Ashanti), of which they are territorially and by original status part, or to become extra-territorially urban enclaves. Are all the inhabitants of Kumasi, for example, irrespective of tribe and race, to pay direct taxes to the Ashanti Confederacy? In these urban agglomerations, more than half the population may have no local loyalty at all—when given the right to participate in local elections, they are apathetic. The apathy will only be overcome in time, when it has been clearly decided that these towns are to be developed as independent urban units detached from the "tribal" government.

Four town councils on the European pattern—with a majority of elected African members and based on a wide suffrage—now exist in the country, one in Ashanti and three in the Colony. There is also in Ashanti one statutory Public Health Board, for the mining town of Obuasi, and the mining township of Tarkwa, in the Colony, has received a constitution setting up a Township Board.

Accra, Cape Coast, Sekondi-Takoradi (in the Colony) and Kumasi (in Ashanti) are all municipalities on the model familiar to English readers, though they have not yet attained to full municipal status in the sense in which it is understood in this country. Each of these four large towns has a constitution set up by special Ordinance, but their constitutions are similar in form; each now has an unofficial African majority elected on a universal franchise, and consequently the control of these towns is now very largely in African hands.

Kumasi, which received its municipal constitution in 1943, was

formerly administered by a Public Health Board set up in 1925 and reconstituted in 1937. This was a corporate body and consisted of a President (the Assistant Chief Commissioner of Ashanti) and nine members—four official members, and five "unofficials" (two nominated by the Asantehene and his Kumasi Divisional Councillors, two by the Kumasi Chamber of Commerce, and one African representative of the "stranger" community nominated by the Chief Commissioner). Accra and Cape Coast, which received their present revised constitutions in 1943 and 1944 respectively, were administered by Town Councils set up under the Town Councils Ordinance of 1894 and subsequent amendments, as was also Sekondi. In 1945 Sekondi was amalgamated with the adjacent town of Takoradi, and the new town was granted a municipal constitution on similar lines. Takoradi had previously been managed by a non-statutory committee consisting of the District Commissioner, the Medical Officer of Health, a Public Works Officer, the Divisional Native Authority, and a representative of the townsfolk; and all funds had been provided by the Government.

The Accra, Cape Coast and Sekondi-Takoradi Councils each consist of a majority of African ward members (not less than seven) elected on universal suffrage, together with six nominees—officials and members appointed to represent the local Native Authority and local Chambers of Commerce. Kumasi Town Council is formed of an equal number (six) of elected ward members and nominated members, who include officials, two from the Native Authority, and a nominee of the Kumasi Chamber of Commerce.

Any person, male or female, of the age of 21 years is entitled to be registered as a voter on a six months' residence qualification. Eligibility for election or nomination to the Council is restricted to persons who are entitled to be registered as voters; who are either owners of real or personal property in the town of at least £200 value or occupiers of premises in the Urban Area of assessed annual value of at least £20 and paying rates thereon; and who satisfy the District Commissioner that they have a reasonable knowledge of the English language and simple accounts. Election is not by secret ballot; the voter tells the Returning Officer the name of the candidate for whom he wishes to vote, and this is recorded in a Poll Book. The Councils have not yet power to elect their own Presidents; the Governor appoints a President for each of the three Councils in the Colony from among the members; in Kumasi the President is the Assistant Chief Commissioner or an officer appointed by him.

Each Council must appoint a Town Clerk, and may also appoint

a Deputy Town Clerk, Medical Officer of Health, Treasurer, Accountant, Town Engineer, and subordinate staff, all these appointments being subject to the approval of the Governor (or Chief Commissioner). The powers and duties of the Councils are those usually assumed by municipal bodies—covering sanitary and refuse disposal arrangements, lighting of streets, control of infectious diseases, inspection of foodstuffs, traffic control, fire prevention, provision of markets, municipal trading, open spaces, etc. Accra, for example, operates a municipal bus service, a motor hearse, refuse and sanitation services, markets, and assesses and collects local rates and passes bye-laws.

The revenues of the Councils are derived from fees and charges, such as conservancy fees, market and slaughter-house dues, lorry park fees, receipts from municipal bus services, etc.; from various licences (vehicle, spirits, wine and beer, hawkers, auctioneers); and from rates. The various Ordinances provide that rates can be imposed on premises in the Urban Area of the assessed annual value of £6 and over. Government makes a contribution in lieu of rates in respect of Crown property. Annual estimates have to be submitted to the Governor for approval, and no contract for an amount over £500 can be entered into without his prior consent. For the year 1946/47 the total revenues were: Kumasi, £103,000; Accra, £162,000; Cape Coast, £13,000; Sekondi-Takoradi, £37,000.

Although the extent of the development work undertaken by the Councils naturally varies with their financial capacity, the municipalities are on the whole successful in operation. The large discrepancy between the figures for Cape Coast and the other three is largely due to the fact that Cape Coast alone of the four had no municipal bus service; receipts from this very successful service form an important part of the revenue, particularly in Accra, where it has been longest established. Here, in 1945/6 bus takings represented more than half of the revenue figure—£80,000 to be exact.

In this same year Accra, with an estimated population of 116,000, spent £37,688 on health services, subscribed £300 towards a new library, and £1,000 towards the building of a new Community Centre. The Council also maintained a Destitutes' Hostel accommodating twenty old and sick persons under the care of a nurse and a caretaker, and three children's play centres. Kumasi and Cape Coast both have Public Halls which serve a large area beyond the boundaries of the town, and both have pipe-borne water supplies; Accra has also under consideration a scheme for a water-borne sewerage system, and has the enterprise to use the ashes from its incinerated

refuse in the reclamation of swamp areas. Each Council now has a well-developed Standing Committee system on the English model. The Accra Council has Committees for Administration and Finance, Development and Welfare, Public Health, Municipal Services and Institutes. Sekondi-Takoradi also has four Standing Committees.

In the rest of the urban areas the customary authorities usually retain their jurisdiction over townships; Government has general powers for the regulation of towns, villages, streets, etc., and the abatement of nuisances in towns and villages in the Northern Territories and Ashanti, while in the Colony a Towns Ordinance dating from 1892 confers on the Administration power to take measures necessary for the regulation of towns and the safeguarding of public health.

In some of the smaller towns there are, however, cosmopolitan populations and an insufficiently strong tribal organization to run the local government machine. Non-statutory committees may then be set up, usually containing representatives of the various elements in the community including members of the new middle class, the customary authorities and official members. There is no statutory provision for the imposition of town rates, and none of these unofficial bodies has any legal authority, but in some cases assessments are carried out and rates paid on a voluntary basis. The operation of the committees and boards seems to have been highly successful within the limits imposed by their lack of adequate financial resources and of powers of compulsion.

Tarkwa, an important gold-mining centre, for long had such a voluntary board which operated with great success, and the special Ordinance enacted in 1940 was designed to give statutory recognition to the existing informal arrangements. The Ordinance sets up a Township Board with elected and nominated members, including representation of the local Native Authority. The Board has the usual general powers and can make bye-laws. Its revenues are derived from fees and charges, rents, fines and grants-in-aid, and from rates. The Board may also be permitted to retain the revenues from any municipal services, and can appoint a Secretary and other staff.

Obuasi, one of the two towns in Ashanti to receive a statutory constitution, is also a mining township. It has been administered since 1927 by a Sanitary Board established under Proclamation, but the present constitution dates from 1935. The general and specific powers of the Board are similar to those conferred on the Tarkwa Township Board by the 1940 Ordinance.

But in spite of the activities of Town Councils and of the wide

franchise which might be expected to induce in the townspeople a considerable degree of interest in local affairs, there have been frequent complaints of the apathy shown in local elections. Speaking in the Legislative Council during the debate on the second reading of the Cape Coast Town Council Bill, the Governor observed that he had been very disappointed at the response to Government's effort to establish self-governing municipalities. "I am left wondering whether there is any real demand for these reforms from the people as a whole. One can only judge from results, and the results have certainly not been encouraging." Of over 14,000 estimated potential voters in Kumasi only 3,805 were registered as voters in the last election, in September, 1943, and of these only 828 took the trouble to record their votes. In Accra, out of 60,000 only 6,009 were registered as voters, while in the election of April, 1944, the first for the new Council with an elected majority, only 3,121 persons voted, and in two wards where the total number of registered voters was 794 the candidates were returned unopposed.

We have already indicated that this apathy is partly due to the non-existence, as yet, of any strong community consciousness. The urban agglomeration has not yet developed a political cohesion which is necessary for really effective local government. And the anomalous position of tribal authorities in areas where most of the population is non-tribal has not yet been fully clarified. There are also one or two technical provisions which might be improved. Perhaps the introduction of the ballot in place of the present system of open voting might have some effect in inducing more people to make use of their right to vote; illiteracy need not necessarily prove a bar, if the use of ballot papers marked wth symbols of the candidate in place of their names were adopted, as has already been done in Jamaica. The comparatively high property qualification for election to the Councils may also operate to induce a feeling of remoteness among the less fortunate sections of the community, particularly the growing working class of the coastal towns.

The chief defect of the administration of urban areas in the country at large, outside the four municipalities, Obuasi and Tarkwa, seems to be the complete lack of system. It would surely be possible to regularize the position of such voluntary and non-statutory bodies as now exist and to provide for its extension to other areas. The earlier difficulty of inducing the customary authorities to loosen their hold on towns which could provide far from negligible contributions to stool, and perhaps to personal, income by way of market fees, etc., should in any case have disappeared with the establish-

ment of stool treasuries on a proper basis and the beginnings of an acceptance of direct taxation by the people generally. If the present Town Councils Ordinance, the operation of which the Governor can extend by Proclamation to any town in the Colony, is not considered suitable or adaptable for the purpose, it should be possible to enact another general Ordinance with provisions more suited to present needs.

One of the main obstacles has no doubt been the lack of European administrative staff who could be spared for the initial organization of statutory town authorities and for their operation until such time as the local people were ready and able to take charge; but the success which has so far attended the efforts of the non-statutory bodies already referred to suggests that the period of direct European supervision need not be so long as is sometimes supposed.

THE ELECTORAL PYRAMID

In 1946 the Gold Coast inaugurated a new constitution. The new Legislative Council, representing Ashanti as well as the Colony for the first time, provides for an elected African majority. There are five Municipal members elected locally by the Municipalities on adult suffrage; nine Provincial members are elected by the Joint Provincial Council of Chiefs, and four Ashanti members by the Confederacy Council. The Joint Provincial Council is composed of members of the two Provincial Councils of the Colony, which in turn are composed of the Paramount Chiefs and other representatives of the Native State. The Ashanti Confederacy Council is similarly composed. The lesser chiefs and Native Administration units are represented on the State or Divisional Councils. Thus an electoral pyramid has been built up, whose base is the Native Administration unit and whose apex is the Legislative Council.

CHAPTER VIII

KENYA

BACKGROUND

THE BRITISH EAST AFRICAN territory of Kenya lies across the Equator. Its total area is 224,960 square miles (somewhat less than double that of the British Isles), of which 5,230 square miles are covered by water. The country falls into four main physiographical regions: a large region poorly watered and infertile, covering about three-fifths of the total area; a plateau raised by volcanic action to a height of from 3,000 to 9,000 feet; the Great Rift Valley, containing Lakes Rudolf, Naivasha, Nakuru and others; and in the extreme west a portion of the basin of Lake Victoria Nyanza, which lies 3,726 feet above sea-level. The low-lying areas, which have a tropical climate, are unsuited to European settlement; but the plateau region known as the Highlands, has a temperate climate, regular rainfall and good soil. It contains, in fact, a large part of the best land in the territory. It was, therefore, early recognized as being suitable for European settler-farming, and, although the Highlands contain large areas of native land as well, it is here that the white population is to-day almost exclusively concentrated.

Probably known to Persian and Arab traders from the very earliest times, and certainly visited by Indian traders as early as Roman times, the East African Coast was the scene of long-continued rivalry between Portuguese and Arab traders, finally settled in the Arabs' favour in the early eighteenth century. In the early decades of the next century the Arab Sultan of Oman transferred his court to the island of Zanzibar and proceeded to extend his authority over the mainland. From 1861 Britain's influence has been established over Zanzibar, bringing her into contact with the coastal areas of what is now Kenya. In 1887 a British enterprise, incorporated under Royal Charter in the following year as the British East Africa Company, was able to secure from the Sultan a concession on the mainland between the Umba and the Tana Rivers.

Penetration of the interior was carried on from 1889 onwards, and a chain of posts connecting Mombasa on the coast with the interior was established. Following on the Heligoland Treaty of 1890 with Germany, by which Britain finally obtained a free hand

in Zanzibar and its dominions, a protectorate was declared over the Company's territory between the coast and the eastern boundary of Uganda (declared a Protectorate a year earlier). In 1905, the Protectorate passed from the control of the Foreign Office to that of the Colonial Office, and a framework of colonial administration was established, completed in 1920 when all the territory outside the mainland dominions of the Sultan were annexed and recognized as a Crown Colony. The Sultan's dominions, a coastal belt some ten miles in width, remained a Protectorate, leased from the ruler for an annual sum. In practice, the Colony and Protectorate are administered as one.

The population of Kenya consists of 30,000 Europeans, 125,000 Asiatics, and 5,000,000 Africans. These are the first figures published following on the first complete census to be taken in the country, and they refer to 1948. The overall density of the population is roughly 23 per square mile; but the population is very unevenly distributed, the bulk of the inhabitants, both native and non-native, living clustered in and around the Highlands. The larger part of the Highlands themselves—the area known as the "White Highlands" —have for long, in fact, and since 1939, in law, been reserved for European occupation. The majority of the natives live in their own reserved areas known as "native land units," with a total area (in 1944) of 49,708 square miles; in addition, 2,416 square miles of Crown lands and 119,038 square miles comprising the Northern Frontier District, Turkana and an extension from Uganda are available for native occupation, but much of this land is of poor quality and uncertain rainfall and infested with tsetse-fly. In the native lands the density of population is said to be as high as 1,000 and even 1,500 per mile in places.

Large-scale European settlement, not at first contemplated by the British East Africa Company, followed closely upon the construction of the Uganda Railway, which was begun in 1895 and completed in 1901. The railway was built less with the aim of developing the country than for strategic purposes connected with the race for possession of the Sudan which was taking place in the last decade of the century between France and Britain. But once the railway was in existence, the necessity for meeting the heavy maintenance costs gave rise to a policy of colonization for the purpose of providing traffic. From 1902 onwards the land policy of the Imperial Government and the local administration underwent modifications, first with the object of stimulating settlement, and later in response to pressure from settler interests, culminating in the closing of the

"White Highlands" to non-European settlement by law, just prior to the outbreak of the war in 1939.

The presence of the Arab community, although it is larger in Kenya than in any other British East African territory, does not create any special problem of race relations, largely because the Arab has not proved a competitor with other races in the economic and political field. With the Indian community there is a different story to tell. The Indian association with East Africa dates back at least to Roman times; and by the time the first Portuguese adventurers reached these parts in the last years of the fifteenth century Indian traders were already established. This settled trading community prospered under both Portuguese and Arab, and when British influence was being extended over Zanzibar there were, in the island and the mainland dominions, between 5,000 and 6,000 traders of Indian race, through whose hands almost the entire trade of the territories passed. The establishment of British rule stimulated immigration from British India, and after 1900 a considerable influx of traders and artisans took place; the Uganda Railway was almost entirely constructed by Indian labour, and of the thousands of labourers employed a number remained and settled mainly as artisans and traders. To-day the Indian population is to be found almost exclusively in the urban areas, or in small outlying trading centres along the railway, but hardly ever in purely rural areas. The existence of this community, retaining its separate identity, and monopolising most of Kenya's commerce, has created serious social problems.

When speaking of the African population of Kenya, it is essential to bear in mind that it is in no sense a homogeneous one.

> "The native inhabitants of Kenya exhibit a variety of races, languages and cultures which it would be hard to parallel in any other single territory in Africa. The agglomeration of peoples includes Hamites, Nilo-Hamites (or 'Half-Hamites'), Nilotes and Bantu. There is even a Semitic strain in some areas. Some tribes are pastoral, others agricultural; some are of settled habits, others are nomadic. External influences have been brought to bear on some tribes intensively, on others hardly at all. Some tribes accept changes readily and even eagerly, others resist them. Some are still entirely pagan others have been affected in varying degrees by Christianity and Mohammedanism. Some contain an educated element which is rapidly increasing, others are solidly illiterate. Such contrasts could be multiplied almost indefinitely."*

* "Report on Native Tribunals," by Arthur Phillips, Nairobi, 1944.

Of the many tribes of Kenya, those of the Kavirondo and Kikuyu areas have been the quickest to assimilate the alien conceptions of economic and social relationships introduced by the white man, and are the farthest advanced (if that be the right term) towards Western forms of social organization based on the individual as a discrete atom. This is, of course, another way of saying that amongst these peoples the disintegration of the old tribal organization has proceeded farthest. It is natural, therefore, that it is among these tribes that political aspirations find expression most readily; and the first African who was nominated to the Colonial Legislative Council as a representative of African interests was a member of the Kikuyu tribe.

The economic basis of the country is agriculture, and during the fifty years of British control its fortunes have been subject to the vicissitudes commonly experienced by primary producing countries. The majority of natives to-day, as always, depend on the land for their living, but the traditional type of farming, for subsistence alone, has not survived the introduction of a money economy. Before the late war the typical African was either a cultivator growing his own food and also producing some cash crop such as cotton, or a peasant cultivator depending on his plot of land for food and in addition working for wages. Over large areas of the native lands these forms of activity yielded only a very meagre living, and of recent years it has become obvious that even this low standard cannot be maintained, without widespread changes in agricultural methods and soil preservation. The establishment of internal order, the greater ease of communication between different parts of the country, and the holding in check of epidemic disease since the coming of the white man, have resulted in a rapid increase of population, in many areas causing acute pressure on the land, intensified by the spread of farming for the market.

> "At the present time characteristics common to all areas of dense African population include overcrowding, excessive pressure on the land, erosion and loss of fertility, and a severe struggle to maintain the existing very inadequate standard of living. These conditions are naturally worse the further an area is from alternative economic resources. . . ."*

In the past the natives have attempted to meet the situation by seeking work in the towns or on European farms in the "settled

* "General Aspects of the Agrarian Situation in Kenya" (Dispatch No. 44 of 1946 from the Governor to the Secretary of State for the Colonies), Nairobi, 1946, paragraph 7.

Areas" of the Highlands, either as part-time workers or as "resident labourers" (labour tenants holding land on European estates in return for work on a specified number of days in the year), and this has meant the introduction of a considerable African population into the European "reserves."

> "With regard to the White Highlands, while they are reserved for European settlement, they contain a large and increasing population of Africans who earn their living by employment on farms, in other forms of employment for wages, and in trade and transport. What I may call the European reserve is not exclusive of other 'tribes'; and as the comparatively small extent of land still available for settlement is taken up and large estates are subdivided and more closely settled, the number of Africans earning their living in this way will certainly increase. Moreover, European production on a large scale also creates a substantial transport industry in which Africans are obtaining an increasingly important share, and the towns, which are in law not in the Highlands, have created a large market for flowers, vegetables, fruit, poultry and eggs, which is largely supplied by Africans. In these ways, therefore, the Highlands and adjacent towns are to-day an important and growing economic safety-valve for surplus population in or from overcrowded areas and a valuable economic outlet for the African."*

One outlet for the relative over-population of the agricultural areas is to be found in the development of secondary industries and the creation of a permanent industrial population. During the late war, in the absence of imports of many manufactured articles (which provides both incentive and protection to local production) there was a growth of such industries as textiles, leather goods, and dried vegetables and milk, for which a ready local market exists without reliance on an export trade. Quite recently it has been decided to put a fairly large area under cultivation of ground-nuts. But the vast majority of African workers, whether in agriculture, industry, or transport and trade, do not at present intend to remain permanently in employment outside their reserves; they leave their wives and families behind them to cultivate their plots of land, and return home after a brief period of work.

NATIVE LOCAL GOVERNMENT

Local government in Kenya to-day can be classed under the two distinct headings of native and non-native, of which the latter has naturally developed more on lines familiar to British settlers than

* "General Aspects of the Agrarian Situation in Kenya," *op. cit.*, paragraph 5.

has the former. Native local government is, however, much less foreign to English conceptions of local institutions than is the system of Native Authorities in force in most other parts of British Africa.

Kenya has not adopted the system of "indirect rule," making use of the traditional tribal authorities as instruments of local government. It is said that failure to use these traditional authorities was due to the absence of strong tribal organizations which might have proved efficient organs of administration in the early days. However that may be, the system of Local Native Councils which has gradually been created to cover a large part of the native areas is more readily comprehensible to those without specialized knowledge of African tribal systems than is the Native Authority system elsewhere in Africa. It has also the advantage of allowing the more advanced tribesmen, those who have received some education, and have come under the influence of Western habits and modes of thought, to play an increasing part in local affairs as their influence among the mass of their fellows grows.

The Administration began to make use of individual natives as subordinate agents as early as 1902, in which year the Village Headmen Ordinance was passed. "Headmen" were appointed to act as agents of the District Commissioner, with the duty of keeping order, apprehending criminals, and maintaining the public roads. The Native Authority Ordinance of 1912 also empowered them to issue orders on such subjects as the restriction of the manufacture or distilling of intoxicating liquors, the prevention of water pollution, the prevention of the spread of infectious diseases, and the provision of labour for essential public works.

The duties of these Headmen or chiefs, as they are called (although the individuals concerned have no claim to a traditional chiefship), and their powers to issue rules have been extended by subsequent legislation and now include such varied subjects as the prevention of tax evasion, the suppression of animal and insect pests, and the restriction or prohibition of grazing in areas set apart for reconditioning. The District Commissioner, or other Administrative Officer in charge can require the issue of any order and in the last resort issue orders in default of action by the chief, and can cancel any order made by a chief. Each chief has jurisdiction over a "location," an area which may or may not coincide with tribal or clan boundaries, and which is often based merely on the size of the population. Changes in the boundaries of the locations have not been infrequent, and the general tendency has been towards the creation of larger units by a process of amalgamation, sometimes

with a view to approximating more closely to tribal and clan divisions. In 1940 the average population of locations in the Nyanza Province was around 15,000.

Chiefs are appointed by the Provincial Commissioner, but selection is made, except among the more primitive tribes, by a process of informal election in open "baraza" (public meeting), although the Provincial Commissioner does not consider himself bound to accept a candidate whom he considers unfit or undesirable for any reason. It appears that in most areas the people show a preference for candidates who have some hereditary claim or who occupy some traditional position in the tribe. Chiefs are paid salaries, and are not supposed to receive any other perquisites—a situation which has given rise to general allegations of irregular money-making, and which is particularly unfortunate since tax-collection is now one of the duties of chiefs in some areas. Chiefs are assisted by sub-chiefs appointed by the District Commissioner, usually after popular consultation in open baraza and sometimes after informal election. These are also paid by the Government, at very low rates. Below them come the headmen of villages, unpaid and usually selected directly by the villagers or their elders.

Where customary chiefs are appointed to be location chiefs, they often consult councils of elders, in accordance with well-recognized native custom, but this is not the case where location chiefs have no traditional position. The Native Authority Ordinance of 1912 and subsequent Ordinances empowered the Governor to order any chief to be subordinate to any other; and in some tribes certain location chiefs have been given the status of guides and elders to the others. The efficiency and initiative shown by chiefs is said to vary greatly; but in general it is safe to say that they act as executive agents of the Administration rather than as representatives of the native population; they form, in fact, a subordinate Administrative Service.

The Local Native Councils, instituted under the Native Authority (Amendment) Ordinance, 1924, and subsequent legislation, represent a different line of development. The 1924 Ordinance empowered the Governor in Council to establish a Local Native Council in any area, which might be a district or part of a district, the Council to consist of the District Commissioner and District Officers (if any), together with such location headmen ("chiefs") and other natives as the Governor might appoint. It was provided that before any person other than a chief was appointed an opportunity should be given to the native population of the area to nominate "suitable

persons" who need not be chiefs, and that these names should be submitted to the Governor with the recommendations of the District Commissioner; later legislation made it compulsory for a complete list of such nominations to be submitted by the District Commissioner. Appointment of these unofficial members is made in accordance with the results of informal election in open baraza in most areas; while it is common for chiefs who have not been nominated to the Council to be "elected" in this way, and for selection of other Native Councillors to be based on some traditional claim which they possess, the practice of "electing" younger men appears to be growing, and in some cases educated natives (schoolmasters, clergymen) and natives who have held non-commissioned rank in the Army are now being chosen by the people to be their representatives.

The number of members in the Councils and the proportion of "elected" to nominated members varies from district to district, though the popularly selected members are now in the majority on most councils. Appointments are all for three years, but are terminable within that time at the Governor's discretion. The District Commissioner, or in his absence the next senior District Officer, is ex-officio President of the Council, but in 1943 it was provided that a native member specially appointed as Deputy Vice-President by the Provincial Commissioner after consultation with the Council might preside in the absence of both these officers. In the more advanced areas the Councils sit under African Presidents on the first day of each session. In 1945 there were twenty-six Councils in all; this network of Councils has taken many years to create—changes in boundaries and amalgamations of areas have taken place in a number of cases—but some Councils have been in operation for more than twenty years, and the system is now well established. The distinctive feature of these Kenya Councils is that they are artificial and not indigenous institutions.

The Local Native Councils are advisory and legislative, concerned with the raising and spending of local funds. They impose local rates, maintain their own treasuries, and draw up estimates of expenditure and revenue in consultation with the District Commissioner. Unlike the Native Treasuries of other East African territories, they receive no rebate on direct native taxation from the Central Government; they resemble rather local authorities of the European type in that they obtain a large part of their revenues from a local rate or cess imposed annually by resolution of the Council. Until recently the sources of revenue were few (in 1937 the total revenue

of all Local Native Funds was only £196,000 and expenditure no more than £92,000); but in 1940 a committee was appointed to report on the financial inter-relations between Government and Local Native Councils. In its terms of reference the Committee was instructed that its recommendations should be based on the principle "That it is the settled policy of the Government to encourage the development of Local Native Councils on lines which will permit of their gradually taking over the normal activities of Local Government Authorities."

The Committee accordingly recommended that certain services should be transferred from Government to the Councils and laid down exactly what responsibilities should fall on the Councils' shoulders. As a result of these recommendations the sources of revenue available to the Councils have been increased in recent years. Between 1937 and 1945 revenues had almost doubled and expenditure all but trebled. In 1945 the total revenues of all Local Native Funds were £350,000 in addition to accumulated balances of £285,000. Rates formed 30 per cent. of revenue, and other sources were land rents, licence fees, royalties on minerals, native court fees, (but not fines), charges for services such as produce inspection fees, market fees, war bonus, etc. Many Councils are now also imposing special educational rates. Total expenditure in the same year was £262,000. Expenditure on the various heads were: Education £48,000, Medical Services £26,000, Agriculture, Veterinary Services and Forestry £25,000, Roads and Bridges £38,000, Water Supplies £4,000, Famine Relief £7,000, War Bonus £25,000, and Administration £68,000. In the meantime "with the appointment of African Secretaries to the Councils, a beginning has been made in providing them with a local government service. Sub-committees of many Local Native Councils, often under African Chairmen are reported to be working well, and deal with such matters as finance, education, health, etc."*

It is now proposed completely to reorganize local government in African areas. The suggestion is to abolish the Local Native Councils and establish African District Councils in their stead, with constitutions and powers resembling those of the European local authorities in Municipal and District Council Areas. A Bill embodying these proposals in legislation was first published in 1947, and appeared in revised form as the African District Councils Ordinance, at the end of 1948. The Governor is given the right to establish

* "A Digest of African Local Administration," prepared by the Colonial Office, March, 1948, p. 15.

an African District Council in any specified area—in practice, unless a new Council is established, the existing local Native Council will be recognized as the new African District Council. Each District Council will be a corporate body with power of performing all the acts legally permissible to corporate bodies—such as holding property, suing in law, etc. Every Council will consist of a District Commissioner appointed by the Provincial Commissioner (unless the Governor directs that the Council shall consist of African members only), and African members *appointed* by the Provincial Commissioner (unless the Provincial Commissioner authorizes the *election* of African members). Every African member, whether appointed or elected, will hold office for three years, though he may be removed by the Governor. The President of the Council may be appointed by the Provincial Commissioner from among the members, or he may be elected by the Council if the Provincial Commissioner so provides. Similarly, the Deputy President may be either appointed or elected. These officers will hold office for three years. Meetings will be held at intervals of no more than three months. The District Commissioner has the right to adjourn any meeting of the Council for a period not exceeding fourteen days. The Council meetings will be open to the public and the Press. Minutes of the meetings must be kept regularly, and be open to inspection by any inhabitant within the Council's area. The Council may appoint Committees for special purposes, and outside persons may be co-opted. The Council may, subject to the approval of the Provincial Commissioner, appoint a salaried Secretary, Treasurer, Works Superintendent and Medical Supervisor, and such other employees as are thought necessary. None of these employees may be removed from this office, unless authorized by the majority of the Council, and approved by the Provincial Commissioner, though the District Commissioner may suspend an officer for incapacity or misconduct.

Very comprehensive powers and duties are outlined—roads, markets, recreation grounds, burial grounds, public lighting and lavatories, slaughter-houses, public water supplies, agricultural services, produce inspection, public health and sanitary services, forestry, transport services, education ,welfare services, social centres, canteens, native tribunal expenses, holding of land, charging fees, and so on. The Councils are given powers to make bye-laws on a host of subjects concerned with "The maintenance of the health, safety and well-being of the inhabitants, or for the good rule and government of the area." Three interesting provisions for possible bye-laws deserve attention: bye-laws "requiring Africans to plant

any specified crops for the support of themselves and their families in areas which, in the opinion of the Council, are suffering from or likely to suffer from a shortage of foodstuffs"; "requiring Africans to take such measures as may, in the opinion of the Council, be necessary for preventing or dealing with soil erosion"; "declaring what shall be minor communal services within the meaning of paragraph (d) of section 2 of the Compulsory Labour (Regulation) Ordinance, 1932, and for requiring able-bodied adult male Africans to work for not more than six days in any quarter for any purposes so declared." The Council may also make bye-laws regulating the holding by Africans of public meetings and assemblies.

The revenues of the Councils will consist of rates and taxes; monies derived from licences, permit dues and fees; of fees and fines received by Native Tribunals; one-half of fines imposed by subordinate courts within the area; charges and profits arising from any services carried on by Council; interest on monies invested; grants from the Government. The Council has borrowing powers; it must present detailed statements of its revenue and expenditure for each year, and keep true accounts which shall be properly audited.

It is specifically pointed out in the official memorandum on this Bill that certain of the bye-law making powers of the Councils may be exercised only after prior approval has been given by the Member for Health and Local Government, and that all bye-laws will be referred to a Standing Committee for African District Councils which is also to be set up under the Act. Special attention is drawn, also, to a provision in the revenue-raising powers, which allows the Councils, with the consent of the Governor, to impose taxes and cesses on the products of animal or agricultural husbandry. The memorandum draws attention, too, to the fact that African District Councils, subject to the approval of the Member for Finance, may raise loans for public purposes. The Annual Estimates of Councils will be referred to the Standing Committee for African District Councils and approved by the Member for Health and Local Government.

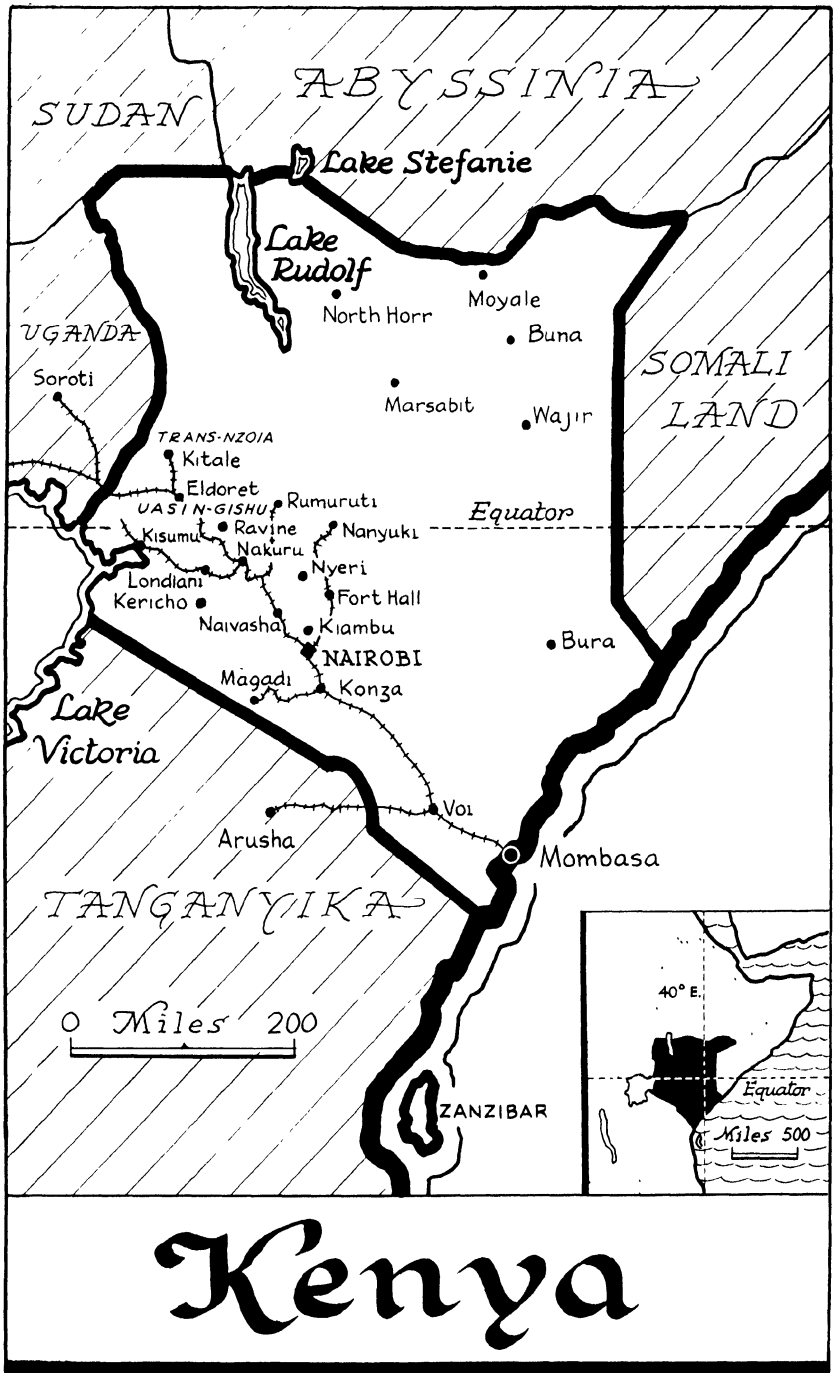
While outlining these broad powers to be permitted to District Councils, the Bill is careful to retain strong control at the centre. The Governor retains the power to dissolve any Council, and the Member for Health and Local Government may make or amend bye-laws. The Member may also conduct such inquiries as he deems necessary "for the carrying out of any of the provisions of this Ordinance or for assisting any Council in the carrying out of any such duties and generally for promoting the efficiency of local government in African areas." A Standing Committee for African Dis-

trict Councils, with a majority of African members, will be set up; and the Member for Health and Local Government has powers to make rules for a variety of purposes connected with the conduct, procedure and qualifications for membership of African District Councils. There is nothing in the law which lays down what the composition of the Council's membership should be—in how far one may expect it to consist of elected or appointed members; or by what method elections might take place.

There are no Provincial Councils in Kenya; the largest local government unit is the district. For some years now proposals have been heard for the formation of Provincial Councils composed of delegates from all the Local Native Councils in each Province, meeting to consider matters of common interest. Many see in the development of such Councils and the creation of a Central African Council composed of delegates from them (and thus indirectly from the Local Native Councils) the most promising avenue of approach to the problem of native political representation. Such a Council would, it is felt, at the very least perform a useful function as a consultative body on matters of native interest, and could in time provide representatives of native interests in the Legislative Council, and precedents for this machinery are already well established in Northern Rhodesia and Nyasaland. In the absence of Provincial Councils to act as electoral bodies, the Local Native Councils have played a part in selecting the four African members of the Legislative Council. The Native Councils submit lists of candidates from which the members are nominated by the Governor.

NON-NATIVE LOCAL GOVERNMENT

As early as 1919 a beginning was made with the administrative separation of purely native from purely non-native areas, and this process was completed by 1924, with the exception of five districts (known as the "mixed districts") comprising Kericho, Ravine, Fort Hall, Kiambu and Machakos, which could not be fitted into either category because the geographical distribution of native and non-native occupation made any clear dividing line impossible. The purely non-native (mainly European) administrative districts thus created were Trans-Nzoia, Uasin Gishu, Kisumu-Londiani, Nakuru, Naivasha, Laikipia, North Nyeri, Nairobi and Mombasa. In 1926 a Commission under the chairmanship of Mr. Justice Feetham was appointed to study the whole question of local government in the territory. It defined the term "Settled Areas" as "those administrative districts, or parts of administrative districts, in the Colony


ABYSSINIA
SUDAN
Lake Stefanie
Lake Rudolf
North Horr
Moyale
Buna
UGANDA
SOMALI LAND
Soroti
Marsabit
Wajir
TRANS-NZOIA
Kitale
Eldoret
UASIN-GISHU
Rumuruti
Equator
Kisumu
Ravine
Nanyuki
Nakuru
Nyeri
Londiani
Kericho
Fort Hall
Naivasha
Kiambu
NAIROBI
Bura
Magadi
Konza
Lake Victoria
Voi
Arusha
Mombasa
TANGANYIKA
0 Miles 200
ZANZIBAR
40° E.
Equator
Miles 500

Kenya

of Kenya in which land is held under individual tenure or in which there is Crown land available for alienation; and further . . . townships in those districts or parts of districts, with the exception of Nairobi and its environs, which are covered by a separate clause in our terms of reference." By this definition the Commission excluded any consideration of the position in the Protectorate, where certain portions of the coastal districts would have qualified for recognition as Settled areas by virtue of land held on individual tenure; in particular the district of Mombasa was excluded in spite of the non-native character of its occupation. It was therefore to the first eight of the non-native districts named above, together with the European farming areas incorporated in the five "mixed districts," that the term was applied by the Commission.

Local government in the Settled Areas to-day is based on three main legislative enactments: the Local Government (District Councils) Ordinance, 1928; the Local Government (Municipalities) Ordinance, 1928; and the Townships Ordinance, 1930, which applies to all Townships both in the Settled Areas and outside them. A further enactment, the Trading Centres Ordinance, 1932, of lesser importance, also applies both within and outside the Settled Areas. Under the first mentioned of these Ordinances a system of District Councils has been set up in the rural parts of the Settled Areas, while the others provide for the administration of the urban areas. These enactments were based on the recommendations of the Feetham Commission; but the beginnings of a local government framework had existed before then in the urban areas.

Early History

The earliest comprehensive attempt to provide for the administration of urban areas was the East African Townships Ordinance, 1903, which provided for the proclamation of townships and the making of rules for their health, good order and government; and in the following year a comprehensive set of township rules was issued which (unless other provision was made) applied to all "gazetted" Townships. The cleaning, lighting, and policing of each Township was entrusted to the supervision of the District Commissioner in whose area the Township was situated. This officer was required to make annual estimates for cleaning, lighting and policing and submit them to the Governor, who might after approval or amendment impose a rate to cover the estimated cost.

In 1918 an amendment to the principal Ordinance empowered the Governor to declare any place a Trading Centre and make rules for its health, good order, and government, but no rating powers were conferred. Little use was made of these provisions, and the practice was to gazette as Townships many small clusters of shops which sprang up on ground held only on temporary licence, and occupied chiefly by small Asiatic traders. Many other rules for general administrative purposes within Townships were made from time to time, and in 1916 and 1923 the rating provisions were amended while the procedure to be followed in assessing premises and compiling a Valuation Roll was laid down. In practice, however, only in three Townships in the whole territory were the rating provisions applied (one of them being Mombasa, in the Protectorate).

Up to the time of the investigations of the Feetham Commission, twenty-two Townships had been gazetted in the Settled Areas, and a further four in the Native Reserves of the mixed districts. As certain townships developed, the practice grew up of associating advisory committees of residents with the township administration, appointed by the District Commissioner with the approval of the Governor. There were seven of these Committees, which had no statutory basis, even as advisory bodies, in the Settled Areas Townships by 1926.

To the general rule of township development outlined above, Nairobi was an exception. The development of the town dates from 1899, in which year the Uganda Railway authorities decided to make their headquarters in the area on which Nairobi now stands. Soon afterwards the Administration also made its headquarters in Nairobi. In 1900 a Municipal Committee to administer the affairs of the town was set up, and this Committee continued until it was reconstituted in 1904 under the 1903 Townships Ordinance. The constitution of the Committee varied over the period, but until the end of 1917 a Government Officer was always Chairman and a majority of the members were officials. The unofficial membership consisted of Europeans (in the majority), Indians (up to 1918, when they refused to continue to take part owing to dissatisfaction with the number of seats conceded to them), and one Goan. In 1918 all officials except the District Commissioner were withdrawn, thus giving an unofficial majority; and in 1919 Nairobi was finally declared a Municipality under the Municipal Corporations Ordinance, and the life of the old Municipal Committees came to an end.

The membership of the new Council was fixed at sixteen in 1920, and remained at this figure until 1925, when as a result of a

Commission of Inquiry into the working of the Corporation, it was reduced to twelve. This number was made up by five Europeans, four Indians, one Goan, one Government Officer, and one member to be elected by the other Councillors and appointed by the Governor. Councillors were chosen by informal elections from among their own communities, and among the Europeans, with the exception of ex-enemy nationals, aliens were permitted to vote. European and Indian women possessing the requisite qualifications (which differed between the two communities) were enfranchised.

Present Position

There are to-day in Kenya one Municipality under the jurisdiction of a Municipal Council with full powers and four Municipalities under Municipal Boards. The first-mentioned is Nairobi, and the other four are Mombasa, Nakuru, Eldoret and Kisumu. Mombasa is situated on the coast, in the Kenya Protectorate; the others are all included in the Settled Areas as defined by the Feetham Commission. The Municipal Council of Nairobi (which has had municipal status since 1919) was reconstituted and the Municipal Board of Mombasa constituted for the first time by the provisions of the Local Government (Municipalities) Ordinance, 1928; Nakuru, Eldoret and Kisumu were declared Municipalities under the authority of the Ordinance, and while the municipal constitutions of the first two date from 1929, that of Kisumu did not come into force until 1941.

Up to 1946, the Municipal Council of Nairobi consisted of nine European members elected on a ward basis (six wards), seven Indian members (elected on a ward basis since 1939), two members nominated to represent Government interests, a representative of the District Council of Nairobi, and one administrative officer appointed with a special view to safeguarding native interests. In 1946 an Ordinance was passed to provide for the election of aldermen and for the representation of native interests by two African members. These are nominated by the Governor in consultation with the Nairobi African Advisory Council, which is composed of Africans elected by tribal and vocational associations in the Municipality. The new Council consists of twenty-nine members: seven aldermen elected by ballot by the elected and nominated Councillors, not necessarily Councillors themselves, but possessing the necessary qualifications as such, and holding office for six years; nine elected European members, and seven Indian elected Councillors holding office for three years; two native members, nominated, two members

representing Government, a member of the Nairobi District Council nominated by the Governor, and the Administrative Officer of the Nairobi District. The Municipal Board of Mombasa consists of twenty members: seven Europeans, seven Indians, one Arab, four members nominated to represent Government (one of these is now an African), one member representing the Port Authority, and the District Commissioner as Chairman. All the Indian members are elected; but while provision was made in 1938 for the election of four of the European members, until 1946 local opinion remained on balance in favour of the continuance of nomination. In 1947 the elective principle for Europeans was introduced.

The Nakuru Board, according to the Local Government Report of 1946, had eight European unofficial members (six of them elected), three Indian members (one nominated and two elected), two official members and a representative of the Nakuru District Council. The Eldoret Board, according to the same source, has eight unofficial European members (of whom six were elected), three Indian nominated members, two official members, and a representative of the Uasin Gishu District Council. When the Kisumu Municipal Board was constituted after the declaration of the Township as a Municipality in 1941, it consisted of twelve members: the District Commissioner of Kisumu-Londiani as Chairman, six European members nominated by the Governor (of whom two are officials), and five Indian nominated members. By 1946, the elective principle had still not been introduced.

The qualification for the European franchise in the Municipalities is the same as for District Councils (see p. 143 below), with the addition of a business premises qualification which gives the vote to persons not residing in the municipal area but having occupied business premises within it of the annual value of £36 for twelve months out of the twenty-four preceding registration. The salary qualification in Nairobi and Mombasa is £15 per month, in place of the £10 prescribed for the other Municipalities. For the Indian franchise the qualifications are the same as for the Indian franchise in Nyanzo District (see p. 143 below), with the addition of a £24 business premises qualification. Married women, both Indian and European, are qualified in the same way as those in the District Council areas. These provisions, again as in the Districts, give the franchise to persons other than British subjects (with the exception since the war of enemy nationals). For election to the Council or Board candidates must be registered voters of British nationality, literate in English and not suffering from any legal disability.

The main difference between the Municipal Council and the Municipal Boards at the outset lay in that the Municipal Council was from the first empowered to elect its own Mayor and Deputy-Mayor (from amongst the Councillors), while a Municipal Board had as ex-officio Chairman, the District Commissioner, only the Deputy Chairman being subject to election from among the members of the Board. In 1933, however, an amendment to the principal Ordinance empowered Municipal Boards of Municipalities other than Mombasa (where special circumstances rendered it inadvisable) to elect their own Chairmen annually in the same way as the Mayor of the Municipal Council. The Municipal Council is empowered to pay its Mayor a personal allowance from the municipal revenues. The chief officers which Municipalities are empowered to appoint are the Town Clerk, Town Treasurer, Town Engineer and Medical Officer of Health. The appointment and dismissal of these officers is subject to Government approval, and Government makes contributions towards municipal expenditure on their emoluments—one-third of the annual emoluments in the case of the Town Clerk, Town Treasurer and Town Engineer, and one-half in the case of the Medical Officer of Health (and of all qualified Sanitary Inspectors employed). Meetings of the Council and the Boards are held at least once a month, and are open to the public and the Press.

The Municipal Council and Boards are corporate bodies; their powers include construction, maintenance, cleaning and general control of all public roads, streets, bridges, etc., sanitary services, and the establishment of sewerage and drainage works (but in the case of sewerage works and also drainage works involving expenditure of over £500 the prior consent of the Governor is required); provision of cemeteries, recreation grounds and buildings, markets and market-houses, slaughter-houses, depots for the inspection of food and milk, libraries, museums, public baths and wash-houses, etc.; sale of by-products resulting from the carrying on of Council and Board works and undertakings; provision of works for water and electricity and for the supply of heat, light and power to private consumers; public health; the establishment and acquisition of hospitals, dispensaries; the imposition of rates; and all other powers associated with municipal government. They have one additional power arising out of the special circumstances of Kenya as an African colony, namely, the control of the movement of natives (issue of permits, etc.), and the provision, subject to the approval of the Governor, of native locations on lands under municipal control in which all natives residing

in the Municipality (other than those lodged on their employers' premises) may be compelled to live. The Council and Boards have the usual powers to make bye-laws for the health, good rule and government of the Municipalities, subject to the confirmation of the Governor or, where objections are lodged, of the Governor-in-Council.

The revenues of the Council and Boards are derived from the rates levied by them, licences and fees, one-half of all fines imposed in respect of contraventions of the Ordinance or bye-laws, trading profits, proceeds of sales of by-products, interest on invested moneys, and Government contributions and grants. Government pays to the Council and Boards contributions in lieu of rates on Crown property. Up to a recent date, only unimproved site value rates had been imposed by the Municipalities with the exception of Mombasa, which has also had an improvements rate for some time past. Eldoret also imposes a Hospital Rate in respect of a hospital which it maintains jointly with the Uasin Gishu District Council.

In addition to Government contributions in lieu of rates and in aid of the salaries of the chief municipal officers (as mentioned above), "additional grants" payable annually from the general revenues are: A grant of one-half the cost of construction, reconstruction and maintenance of Main Trunk and Main District Roads within the Municipalities, subject to the attainment of a satisfactory standard of construction and to provision by the Local Authorities for the recovery of the remaining one-half by rates; a proportion determined by the Governor-in-Council of revenue derived from vehicle licences in respect of vehicles normally kept in the Municipalities; a sum equal to one-half any expenditure by Local Authorities in connection with outbreaks of infectious disease, and a proportion of other expenditure in connection with measures for promoting and maintaining public health, subject to the Governor's approval of the details of expenditure; and a diminishing grant of an amount determined by the Governor in respect of public health expenditure.

The Council and Boards have power to raise loans subject to the assent of the Governor-in-Council with the approval of the Secretary of State for the Colonies. Annual estimates of the Municipal Boards require the approval of the Governor-in-Council, and the Central Authority may direct the publication of an abstract of the approved estimates in the Gazette. Since 1933 the Municipal Council estimates have not required Government approval. Audit is by officers of the government service appointed by the Governor, and

a fee of not more than 1% of the total expenditure for the year is payable by Local Authorities; auditors have powers to disallow and surcharge unauthorized expenditure.

In 1946 the gross revenue (including Government grants-in-aid and loans) of the five Municipalities was £521,000, and there were accumulated surpluses of £146,000. Total expenditure was £487,000. £175,000 was raised in rates. Expenditure was divided mainly between Public Health, Public Works and Services, and Administration.

Native Locations

One of the features which most clearly differentiates these Kenya municipalities from similar local bodies in other than African territories is the existence, side by side with the European-type town, of the "native location"—except in Mombasa, which has always had a large native population and has not attempted to deal with the problem by means of the location. In each of the Municipalities the native population outnumbers the European and Asiatic inhabitants combined. In 1946 the estimated populations of the various Municipalities were as follows:—

	Europeans	Asians and others	Africans
Nairobi	10,250	36,510	66,040
Mombasa ...	1,756	41,323	56,449
Nakuru	480	1,950	9,000
Eldoret	404	2,290	4-6,000
		Asians	Others
Kisumu	329	4,671	4,502

In view of the general opinion that overcrowding of the native reserved lands must be counteracted by the permanent settlement of large numbers of native families to provide a labour force for new industries, it seems likely that Africans will form an increasingly large proportion of the population of the towns. The problem of providing adequate and suitable housing is already acute, and has been made even more so by the difficulties of the war years, but strenuous efforts have been made by most Local Authorities. At Eldoret and Nakuru the locations (which do not, however, house all the native inhabitants) are laid out on the village plan; and a scheme under construction in Nairobi to provide a new location will also provide a small native town planned around a community centre, clinic, offices, shops, schools and children's playgrounds.

In his report on labour conditions in East Africa, the Labour

Adviser to the Secretary of State commended the town housing of natives as being considerably better than in most British African Colonies, and had a special word of praise for Nakuru.

> "The most successful progress in my opinion has been made at Nakuru, where almost all the African population of the town has now been provided with good sound quarters; these are of several grades, with rents varying according to the accommodation provided, but even the cheapest is very good value for the money. Construction is new, and the appearance therefore suffers slightly from the lack of trees and grass; this, however, is being remedied, and in a short time the township should look very attractive. There is also a fine social centre which provides for a variety of needs. A good assembly room and dance hall with band platform and loudspeaker is apparently a most popular feature; a small municipal brewery makes a sound native beer for sale in a large room suitably furnished with seats and tables; a milk bar ensures a supply of clean milk for families, a butchery provides good meat, and a restaurant sells cooked and uncooked food. The community is obviously happy and prosperous, and the neat, clean condition of the houses shows the pride taken in them. Township regulations prevent the influx of people who have no definite occupation, and there is therefore a lack of the loafer and semi-criminal element which is so often a feature of African towns. Nakuru might well in fact serve as an object-lesson for municipal authorities elsewhere; I must admit that it was with a certain measure of surprise that I found the best housing conditions in British Tropical Africa in the principal town of the Highlands of Kenya."*

It would appear that the least satisfactory housing situation is to be found in Mombasa, which has problems of a particularly difficult nature to face because of the age of the town, the restricted space available, and the dense population.

The administration of the locations is financed by rents from housing and shops, fees for native burials, and the profits from the Municipal Native Breweries and Canteens, but African representation on the Councils is in its earliest infancy. In Nairobi, as already described, an unofficial African Advisory Council, representing different tribes and creeds and advisory to the municipal native affairs officer exists, and in the Municipal Council as reconstituted in 1946, two Africans nominated by the Governor in consultation with the African Council, now have seats. African Advisory Councils, of the Nairobi type, have now also been set up at Mombasa and

* "Labour Conditions in East Africa," Major G. St. J. Orde Browne (Labour Adviser to the Secretary of State for the Colonies), London, 1946, paragraph 260.

Nakuru, and African Advisory Committees in Eldoret and Kisumu. As a first step, Africans are being co-opted on to the Native Affairs Committees of the Municipal Boards, to express the views of the African Advisory Councils. An African has been nominated to the Mombasa Board as a government representative.

Townships

The Townships Ordinance of 1930 classified the Townships already declared as such under previous Ordinances into Grade A and Grade B Townships, and empowered the Governor, by proclamation, to declare any area or place to be a Grade A or Grade B Township.

Grade A Townships are administered by the District Commissioner with the advice of a Township Committee. Grade B Townships are administered directly by the District Commissioner. Under the 1930 Ordinance nine Grade A Townships were set up in the first instance, all of them in the Settled Areas.

The membership of Township Committees varies in numbers, the actual number being determined by the Governor. All members are nominated, and Committees include, in addition to Township residents, representatives of the District Council (where this applies) of the area surrounding or bordering upon the Township. In practice, the number of members exclusive of the District Commissioner is usually six or seven, representing the Indian as well as the European community, but giving a majority to the Europeans; it is common to find one woman member serving on the Committee.

The Governor may direct that a Township Account be kept for any Township; and he may direct that the provisions of the Local Government (Rating) Ordinance, 1928, shall apply to the whole or any part of a Grade A Township. Into such Township Account are paid all revenues derived from any rates imposed under the above provisions of the Rating Ordinance; all revenues derived from any rates, fees, charges or licences imposed under Rules made under the authority of the Townships Ordinance; one-half of all fines imposed for contravention of the provisions of the Townships Ordinance or Rules made under its authority; and any sums receivable in respect of services rendered to Government and chargeable against the Township Account. The Governor may also declare payable to the Township from the public revenues sums in respect of all or any of the contributions and grants payable to municipalities. Any excess of expenditure over revenue for any financial year is met from the public revenues and paid to the credit of the Town-

ship Account, after any credit balance brought forward from preceding years has been taken into account. Annual estimates are prepared by the District Commissioner and submitted for the approval of the Governor-in-Council.

In all Townships the Governor has power to make rules for the maintenance of the health, safety and well-being of the inhabitants, and for good rule and government. All executive authority is vested in the District Commissioner, Township Committees of Grade A Townships being advisory only. These Committees, however, represent a transitional stage on the way to the setting up of Municipal Boards, just as the latter are one stage removed from the grant of full municipal powers to a Municipal Council. There are thus four stages on the road to full municipal self-government for urban areas in the Settled Areas, starting with the directly administered Grade B Townships and ending with the Municipality under the jurisdiction of a Municipal Council.

Mention should also be made of the "Trading Centre," the name assigned to a small cluster of shops and houses serving the needs of surrounding rural areas and too small to be dignified by the title of Township, but for which it is considered desirable to provide some sanitary regulation. The Governor is empowered to declare any place a Trading Centre after consulting the District Council (where one exists) which has jurisdiction over the area. Trading Centres are administered by the District Commissioners of the administrative districts concerned, and the Governor has power to make rules for the maintenance of health, safety and well-being, and for good order and government, and also to levy fees, charges, and tariffs for any services provided.

Non-Native Rural Areas

To-day there are in the Settled Areas seven District Councils for the (Local Government) Districts of Nairobi, Naivasha, Nakuru, Nyanza, Trans-Nzoia, Uasin Gishu and Aberdare. All were established by proclamation under the Local Government (District Councils) Ordinance, 1928, and all but the last-named date from 1929-30. Aberdare District Council was not established until 1939, the delay being due to the particularism of the localities forming the present local government area. The "District" in this context means the area of jurisdiction of a District Council, and may include portions of more than one administrative district. Declared Townships and Municipalities are excluded from this area of jurisdiction.

The Councils consist each of not less than ten European members

elected on a ward basis; a representative of every Municipal Council or Board whose area is surrounded or bordered by the District; and one or more official representatives. The official representation consists of the District Commissioner and the Provincial Commissioner is entitled to attend and speak at any meeting of a District Council. Representation on the Councils is confined to Europeans—owing to the absence of Asiatics from the rural areas over the greater part of the Settled Areas—except in the case of Nyanza Council, which is enlarged by the addition of one Indian member representing the small Indian agricultural community of one portion of the Kisumu-Londiani administrative district. The Governor may also, at his discretion, nominate either one or two Indian members to any District Council, in recognition of the Indian trading community's interest in the condition of the roads in the rural areas surrounding the townships. Members are elected for three years, one-third retiring every year. In some districts where the population is very scattered and distances are great, voting is carried out by postal ballot, but voting in person is the more usual practice. Councils elect their own Chairman and Vice-Chairman.

To qualify for the European franchise, persons must be of European origin or descent, 21 years of age, and either owners of rateable property within the District of £100 capital value, or residents within the District for twelve months out of the preceding twenty-four months; in the latter case they must have been in occupation, for a like period, of premises within the District of £36 annual value, or have been earning for six months out of the preceding twelve at least £10 per month. A married woman of European origin or descent can be registered as a voter on her husband's property or earning qualifications provided she is of age and has the above residence qualification. Persons who are not British subjects (except enemy aliens) are also enfranchized by these provisions. The Indian franchise in Nyanza District, for which a separate electoral roll is maintained, is the same as the European qualification so far as the age, residence and property are concerned, but an applicant must be a British subject of Indian origin or descent. The occupation qualification is only £12 annual value and the salary qualification only £5 per month. To be elected as Councillors, voters must be British subjects, be able to read, write, and speak the English language, and not under any legal disability.

Ordinary meetings of the Councils are held at least once every three months, and special meetings may also be held at the request of one-third of the members. Meetings are open to the public and

Press, and minutes are kept, which are open to public inspection. Councils are empowered to delegate powers to Committees.

Councils are corporate bodies, and all roads, fences, bridges, ferries and accessories on any district road are vested in them. The "Main Trunk Roads" remain under the jurisdiction of the Public Works Department, but in practice, Councils also assume responsibility for their maintenance under contract. In addition to powers over roads within the District, Councils have powers over public roads (not being Main Trunk Roads), which are mainly required to serve the population of their Districts, but which cross portions of Native Reserves or Forest Reserves outside those Districts. These functions in respect of roads are the most important aspect of the work of District Councils.

Councils are also empowered to hire, acquire, etc., buildings for Council purposes and houses (subject to the Governor's consent) for residences for Council officers; to plant or remove trees in any public places; maintain lighting of public places; pay medical and funeral expenses of employees injured or killed in the course of employment; maintain pension funds for officers and servants of the Council; establish and maintain outspan grounds, pounds, hospitals and dispensaries (singly or jointly with other Local Government authorities, within or outside the District); and provide free treatment for indigent inhabitants of the District; and subject to the consent of the Governor, to make grants towards the establishment and maintenance of institutions such as schools, public libraries, museums, hospitals and dispensaries within or outside the District, and to provide bursaries to assist parents resident in the District in educating their children. Bye-laws, to be submitted to the Central Authority on Local Government, may be made on certain specified subjects, e.g., preserving public decency, regulating native dances on any farm or elsewhere in the District, protecting Council property from damage, the eradication of noxious weeds, controlling grass fires, etc., and managing any hospitals, pounds, dispensaries, etc., maintained by the Council. The Councils have also been given powers under the Resident Labourers Ordinance, for prescribing the numbers of cattle, etc., which may be kept by native "squatters" on European farms in the District.

Councils could therefore, if they took the initiative, become complete local authorities with full powers in every aspect of local government, but up to now their progress has not been satisfactory. The most significant gaps in their activities are in the fields of local finance and public health; although the 1928 Ordinance made

provision for the assumption of responsibility in both these directions. Power was conferred to raise revenue by the imposition of rates on the unimproved value of land, by a flat or graduated rate on the area of land, or by an industrial rate on land used for other than agricultural or residential purposes; and it was provided that after district rates have been imposed, the Governor, at the request of the Council, may declare the Council to be the local authority for the purposes of the Public Health Ordinance. When this has been done, the Council will have power to appoint a Medical Officer of Health, a Sanitary Inspector and all other necessary officers and servants, and will be vested with all the powers and duties commonly assumed by local authorities in the field of public health, including the power to make bye-laws on health subjects.

It was not until 1946, however, that the first District Council actually decided to levy a rate. The Nairobi District Council took the lead by imposing a graduated rate on land at an overall rate of 10 cents per acre. "Apart from an appropriation of £500 towards administration" (states the Kenya Local Government Report for 1946) "the proceeds of this rate were not spent during the year, which is a matter for some regret. All Councils, except the Aberdare District Council, have published notice of an intention to adopt one or other of the prescribed methods of rating, but apart from the action of the Nairobi District Council in imposing the rate, no progress can be reported in this development which must be regarded as essential if rural local authorities are to advance in local government."* Two Councils, those of Trans-Nzoia and Uasin-Gishu, had availed themselves of powers conferred by the 1928 Ordinance and an amendment of 1931 to impose rates for the purpose of establishing and maintaining hospitals for the reception of European patients or of making grants towards them. A "hospital rate" had been imposed on every male European over the age of 21 resident in the Districts, the rate being 20s. in 1944 (the maximum permitted rate is 50s.). Powers also exist to provide for the treatment, in hospitals and dispensaries, of Africans employed within the District by the imposition on the employers of a flat rate per head of Africans employed. It does not appear that any use has been made of these powers to date.

Subject to the approval of the Central Authority, the Councils have power to appoint as permanent, part-time or consulting officers "fit and proper persons" to be Clerk, Treasurer or Engineer, such

* "Report of the Commissioner for Local Government," 1946, p. 14.

officers to be irremovable without the approval of the Central Authority and their salaries and allowances to be subject to the approval of the same body. Minor staff may also be appointed, and their salaries and allowances are within the discretion of the Council. Up to 1944, most Councils had appointed only one principal officer — Clerk-Supervisor or Engineer-Clerk—acting both in an administrative capacity and as supervisor of the Council's roads and other works.

The Councils' revenues consist, in the absence of rating, of Government grants; and of sundry revenues and interest on investments, licences for shops in rural areas licensed by the Councils, rents, and in the case of Trans-Nzoia and Uasin-Gishu Councils, hospital rates and fees. Government grants and contributions are made in respect of roads, control of grass fires, and in the form of rebates on Vehicle Licence Fees. In the event of Councils adopting rating and assuming public health responsibilities, each will be entitled to receive annually from the public revenues a sum equal to one-half of the emoluments of the Medical Officer of Health and of all qualified Sanitary Inspectors employed, a sum equal to one-half of any expenditure incurred in connection with outbreaks of infectious disease, and such proportion of other expenditure in connection with measures to promote and maintain public health as the Governor-in-Council may determine, subject to the Governor's approval of the details of the expenditure.

Annual estimates have to be submitted to the Commissioner for Local Government for approval of the Governor-in-Council, and abstracts of the approved estimates are published in the official Gazette. Accounts are subject to inspection and audit by officers of the Government service appointed by the Governor for the purpose, and auditors have power to disallow expenditure and surcharge it on the persons responsible, subject to appeal either to the Supreme Court or direct to the Governor-in-Council. Councils pay the Government an annual sum, up to 1% of the total expenditure, for the service of the auditors. Councils may raise loans in such amounts and under such conditions as the Governor-in-Council with the approval of the Secretary of State for the Colonies may allow; loans are secured on the property and revenues of the Councils.

In 1946 the total revenue of the District Councils amounted to £97,000, 90% being derived from Government grants. No Council had incurred any debt liability. Of expenditure, 81% was on roads and 17% on administration.

CENTRAL ORGANIZATION

As a result of the Feetham Report a Local Government branch of the Secretariat was created under an officer styled the Commissioner for Local Government; and to ensure unification of policy, two Standing Departmental Committees on Local Government, advisory to the Governor, were set up by the 1928 Local Government Ordinances, to deal with local government problems in non-native areas. The first is the Standing Committee for Local Government in Municipalities, and it advises on such matters as bye-laws, applications by urban authorities to raise loans, changes in constitutions of urban authorities, etc. Since 1938 its constitution has been as follows: the Chief Secretary as Chairman, the Attorney-General or Solicitor-General, the Commissioner for Local Government, the Director of Medical Services or his deputy, the Director of Public Works or his deputy, and four other persons appointed by the Governor to hold office during his pleasure. In 1943 this unofficial membership consisted of two Indians and two Europeans. It is now proposed that an African should be added. The second committee is the Standing Committee for the Rural Areas, and has as members the heads of medical, public works and legal departments and three unofficials. The three unofficials are all Europeans—one of them a woman. This Committee advises on the work of the rural District Councils (European) and in particular supervises the position of "squatters" under the Resident Labourers Ordinance of 1937. A third Committee—the Standing Advisory Committee for Local Native Councils—was also formed to advise the Governor. It consisted of the Financial Secretary, the members of the Legislative Council representing African interests, and five nominated Africans. The Chief Native Commissioner was Chairman of the Committee, and its main function was to advise on the approval of the annual estimates of the local Native Councils.

This was the position until 1945, when proposals were made for the reorganization of the Administration, "to meet efficiently and expeditiously the complexity of post-war conditions and the pressing problems of development and reconstruction." Administrative Departments were in future to be grouped under Members of the Executive Council. The Local Government and Health Departments have naturally come within the scope of this reorganization, and have formed the subject of a separate explanatory paper.* It is recognized that—

"The administration of public health is inseparable from that

* "Sessional Paper of the Legislative Council," No. 6, 1945.

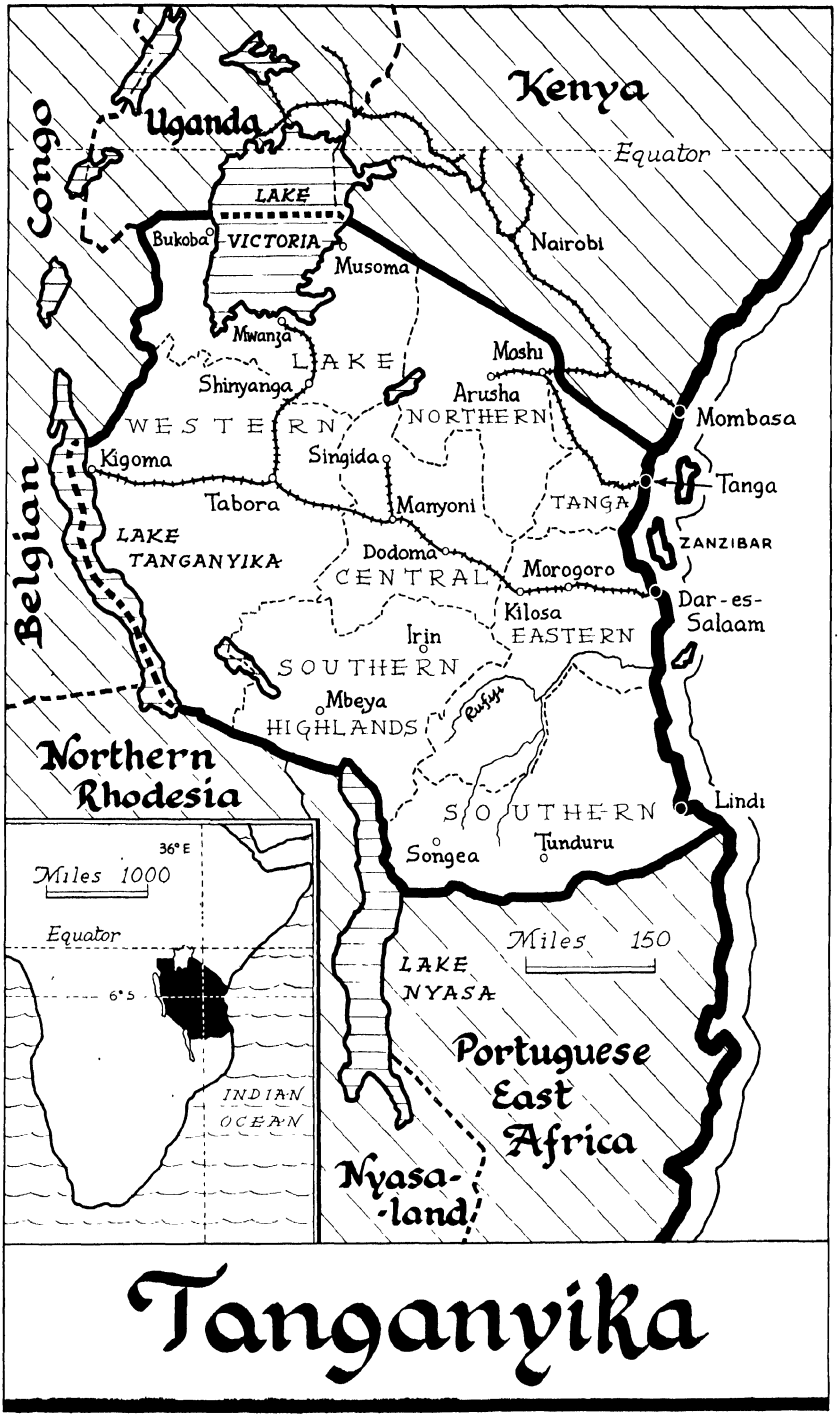
> of local government, and that, indeed, local government with its intimate concern for the environment of the population as regards housing, water supplies, sanitation and the prevention of disease, is the agency by means of which a large part of the health services can best be made available. It is proposed, therefore, to place the health services maintained by Government and those maintained by Local Authorities within the sphere of the Member for Health and Local Government, who will represent them on both the Executive and Legislative Councils."

The Member for Health and Local Government will inherit the functions of the Commissioner for Local Government under the previous system, and become responsible for all local government, both native and non-native.

It was intended that major questions of policy would be dealt with by a Local Government Board assisted by three Standing Committees—for the Municipalities, for the Rural Areas and for the African District Councils. Two Bills dealing with this matter were published in 1947—the Local Government Board Bill and the Local Government (African District Councils) Bill. It has now been decided not to proceed with the setting up of the Local Government Board proposed in the first of these Bills, but to retain the existing Standing Committees for local government in the Municipal and other settled areas. The second Bill is, however, being proceeded with, and its later form as the African District Councils Ordinance, 1948, has already been outlined in this chapter. Its proposals for a Standing Committee for African District Councils, analogous to the existing Committees for the Non-Native Areas, are interesting. The Committee will consist of the Commissioner for Local Government, who shall be Chairman, two other officials, two of the (African) members of the Legislative Council representing African interests, and four African members who shall be appointed by the Chief Native Commissioner. The Committee will thus have a majority of African members. Its function will be to advise on all matters connected with African local government.

* * * * *

Local government in Kenya has hitherto been based on the segregation, wherever possible, of native and non-native. This has already been breaking down for some time past, particularly in the urban areas, and future industrial development is likely to intensify this trend. The new organization, which is now proposed, concerning itself equally with African and non-African local government, may provide a first step in the effort to meet the changing conditions of to-day.


Kenya
Uganda
Congo
Equator
LAKE
VICTORIA
Bukoba
Musoma
Nairobi
Mwanza
LAKE
Shinyanga
Moshi
Arusha
NORTHERN
WESTERN
Mombasa
Kigoma
Singida
Tanga
Tabora
Manyoni
TANGA
ZANZIBAR
Belgian
LAKE
TANGANYIKA
Dodoma
CENTRAL
Morogoro
Dar-es-
Salaam
Kilosa
EASTERN
Irin
SOUTHERN
Mbeya
HIGHLANDS
Rufiji
Northern
Rhodesia
SOUTHERN
Lindi
Songea
Tunduru
36° E
Miles 1000
Equator
6° S
Miles 150
LAKE
NYASA
INDIAN
OCEAN
Portuguese
East
Africa
Nyasa-
-land
Tanganyika

CHAPTER IX

TANGANYIKA TERRITORY

BACKGROUND

TANGANYIKA TERRITORY, formerly German East Africa, was handed over to the administration of Great Britain in 1919 as a Class "B" Mandate under the terms of the League of Nations Covenant, after having been conquered by Allied arms during the course of the 1914-1918 war. Lying as it does between the British territories of Kenya and Uganda to the north and Northern Rhodesia and Nyasaland to the South, Tanganyika's assimilation to British rule completed the chain of British-controlled territory which now stretches from the southern shores of the African Continent northwards to the southern border of Egypt.

The Territory now covers an area of some 360,000 square miles, of which roughly 20,000 are water, for included within the boundaries are parts of the great Lakes Victoria, Tanganyika and Nyasa. In area more than three times as large as Great Britain and Northern Ireland, the land supports a population of under 6,000,000 (5,500,000 Africans, 55,000 Asians, and 7,500 Europeans), or 16 per square mile. This figure is, however, misleading. Dispersion of population over the available land has been limited by two main factors. The first is lack of water; a study made in 1934 showed that two-thirds of the population was then concentrated on one-tenth of the whole area where adequate supplies of permanent water for men and cattle were to be found, and that 62% of the total area was uninhabited and largely uninhabitable because of the absence of water. The second factor is the prevalence over large areas of the tsetse-fly, the carrier of sleeping sickness. It has been stated that more than half the total area of the Territory is unsuitable for the raising of domestic stock for this reason, and the consequent concentration of the stock population in areas free from infection has given rise to grave problems of soil erosion and depletion of underground water reserves. A continual campaign is waged by the Administration to prevent further encroachments of the fly and to reclaim infested areas for settlement by the native population of overcrowded areas.

There is much less variety of racial origin among the native population of the Territory than is the case in its neighbour, Kenya. The vast majority of the natives are Bantu; and though there are considerable differences in the form of organization and stage of development reached by the various tribes, the common economic basis is some form of shifting agriculture combined with cattle-keeping (except where tsetse infestation prevents it), with little craft specialization. The small Arab community survives as a reminder of the days when the Sultan of Zanzibar ruled over the coastal regions which are now part of Kenya and Tanganyika, and when Arab trading posts were established far into the interior, leaving behind them lasting evidence, especially on the coast, in the Moslem religion and the Swahili language. The Indian community is, in numbers and in influence, of much greater importance than the Arab.

European settlement in the Territory dates from the foundation of the German East African Company in 1885, but large-scale settlement was not encouraged by the German authorities, and the white population has remained small. The chief areas of non-native settlement are around the high blocks of the Usambara Mountains in the north-east and southward along the coast from around Tanga to the Rufifi River. In these areas sisal is the chief crop. In the Southern Highlands and the south-west, mixed farming is carried on.

Agriculture remains the chief native occupation, but under the stimulus of a money economy the old subsistence cultivation is being increasingly combined with, and even superseded by, farming for the market. At the same time, numbers of able-bodied male population are drawn by the attraction of cash wages away from their home areas into work in mining and industrial enterprises and on non-native plantations and farms. These two factors in combination have raised difficult problems in regard to the food supply of the population remaining in the tribal areas.

Local Native Administrations have been used by Government to ensure the production of adequate quantities of food for home consumption, to control the marketing of native produce, and to prevent the export of locally grown foodstuffs in times of scarcity and high prices. In certain cases native production of cash crops has been highly successful and has resulted in a considerable degree of prosperity and a raising of the standard of living. This is notably the case among the Chagga tribe of the Kilimanjaro area, where coffee is grown by a large number of small planters organized into a Native Co-operative Union for marketing. The total number of indigenous workers in regular employment in the Territory in 1947

(according to a Labour Census taken in February of that year) was 325,000, and of this total more than one-half were employed in agriculture and stock raising and the production of sisal, rubber, timber, pyrethrum and essential foodstuffs. Only 13,000 were directly employed in trade, transport and industrial establishments; a further 17,000 were engaged in mining; and of the 60,000 listed under the heading of public services about one-half were employed on railways and public works. The bulk of this native labour force is migratory; most tribal natives who go to seek work outside their areas do so only for short periods, and many who remain in mining and urban employment during the whole of their working lives return to end their days among their own people. The system of administration adopted in these tribal areas is therefore of vital importance in determining the future course of development of the native population of the Territory.

THE NATIVE ADMINISTRATION SYSTEM

The system of native administration in Tanganyika, under which traditional tribal authorities are transformed into organs of local government under the supervision of Government officials, is modelled on the Nigerian system introduced by Lord Lugard after 1900. Its adoption in Tanganyika was largely the work of Sir Donald Cameron, who had spent sixteen years in Nigeria before holding office as Governor of the Territory from 1925 until 1931.

Under the German régime three areas (of which only one—Bukoba—now forms part of Tanganyika) had been administered by Residents acting through local "Sultans." Elsewhere, however, military considerations and the weakness of the existing tribal organizations had impelled the German authorities to develop the system of direct rule, first introduced by the Sultan of Zanzibar, in the attempt to make his authority over the interior effective. The area to be directly administered was divided into seventeen districts under district officers, working through subordinate officials known as *akidas* and *jumbes*. The former were usually of Arab or Swahili extraction and were given special training for their work, thus forming a subordinate native administrative service. The jumbes, or native village headmen, were likewise appointed by the Government and ranked as subordinate to the akidas. This system naturally weakened still further the already waning power and prestige of traditional tribal leaders, and the break-up of tribal organization was accelerated.

On their assumption of control, the British authorities continued to make use of the agencies of rule which they found to hand. The

condition of the country at that time, after the military campaigns of which it had been both the objective and the battleground, did not permit of administrative innovation. By 1922, however, the Government was able to turn its attention to matters of long-term policy, and in that year the Governor announced the intention to adopt a system of indirect rule similar to that in force in Nigeria. In 1923 there was issued a Native Authority Ordinance, giving to administrative officers, native chiefs and headmen the authority to issue rules designed to ensure the maintenance of order and the prevention of crime; but in practice real executive power tended to remain in the hands of the administrative officer rather than with the Native Authority. The system in its present form came into being in 1925-6, under the Governorship of Sir Donald Cameron. Under the Native Authority Ordinance enacted in 1926, full executive power within the sphere of its competence was conferred on the Native Administration, subject to the advice and supervision of the European Administrative Officer, who retained direct powers of action only in the case of wilful and continued neglect on the part of the Native Authority.

This Ordinance, together with the Native Courts Ordinance of 1929, remains the basis of all subsequent development in native policy in the Territory. The network of Native Administration set up under it covers the major part of the country; in some areas, however, notably in the coastal belt, where the population is of mixed tribal origin or where tribal organization had already disintegrated so far that no certain traces of traditional authorities could be found, a method more closely resembling direct rule has had to be adopted. Urban areas (Minor Settlements and Townships) are administered separately from the surrounding countryside, but Native Authorities retain jurisdiction over Minor Settlements situated in tribal areas.

For purposes of general administration, the Territory is divided into eight Provinces (Central, Eastern, Lake, Northern, Southern, Southern Highlands, Tanga and Western), each having a Provincial Commissioner at its head, and each subdivided into Districts under District Commissioners. District boundaries correspond, as far as possible, with tribal divisions.

The assumptions underlying the British approach to the problem of native administration is that there has in the past existed in every tribe some traditional centre of authority—usually a chief—which is capable of being discovered, after careful research, and given official recognition and support as Native Authority. In those places where all traces of the traditional authorities have been lost, or where

the native population is of mixed tribal origins, it has been found necessary to appoint selected natives to exercise the powers and discharge the duties of Native Authorities. In all cases Native Authorities are officially constituted by the publication of a Government Notice in the official Gazette. The powers and obligations which may be conferred or imposed on Native Authorities in general are laid down by law; but the Governor has power to direct that only specified powers shall be exercised by any particular Authority, and he may also declare any Authority subordinate to any other.

Where the traditional authority is a chief, Government refrains as far as possible from intervention in the procedure by which he is chosen, but retains the right to refuse recognition to a candidate who is considered unfit to receive the support of Government. This procedure, and the qualifications for candidature, vary between different tribal groups; but chiefs usually owe their position to some form of hereditary claim, usually membership of a "chiefworthy" family, the actual choice from among the eligible candidates resting either with the people as a whole or, more commonly, with the elders. Direct automatic succession from father to son is unusual. Most chiefs have under them sub-chiefs, usually chosen in the same way as the chiefs themselves, except that the senior chief may exercise a greater or lesser degree of influence on the choice; some sub-chiefs are even directly appointed by their seniors. Below the sub-chiefs come the village headmen, who occupy the position of heads of families and may be chosen either by the chiefs or by village councils.

The position occupied of old by the chief in native society was not usually that of an arbitrary ruler, but was subject to certain restraints evolved in the course of time as a safeguard against oppression. In particular, chiefs were expected to seek the advice of a council of advisers, chosen according to local custom. The influence in practice of such councils was subject to considerable variation, ranging from a position in which the chief paid little or no attention to their advice to one in which the council had, in course of time, become the real seat of authority, while the chief was a figurehead retaining only the religious and ceremonial functions with which the office is so intimately associated.

The Native Authority system is sufficiently elastic to allow for the variety of tribal organization. In his "African Survey" Lord Hailey has classified Native Authorities into four types.

> "The first is the chief Native Authority, the so-called 'paramount chief'; he usually has subordinate chiefs under him, who are gazetted as subordinate to the Chief Native Authority; but the native treasury

is that of the major unit. Secondly, certain federations of chiefs are recognized as native authorities; each chief is the authority in his own unit, and retains independent executive powers; but the members of the federation combine for certain purposes, principally to constitute a joint treasury, and for the passing of 'rules' applicable throughout the federation. In most of the native administrations of this class the president of the federal council is chosen in rotation, but in some a permanent president has been appointed by the chiefs themselves. The third class of native administration is the tribal council, consisting of petty chiefs or headmen, belonging to the same tribe; they sit as chairman of council in rotation, and have a common treasury. Fourthly, there is the small chief or village headman of a more or less isolated portion of a tribe in areas which recognized no wider political authority; each, if recognized, is appointed a native authority with limited powers and a small treasury."*

The chief or headman is recognized as a Native Authority in virtue of the position he holds by the custom of his community, and to that extent he is a representative of his people, but he owes his constitutional position to the recognition of the Government, and his powers as Native Authority are derived from above, not from below. The possible misuse of authority for personal ends is subject to certain checks. Although the District Officer has no place in the Native Administration (unlike the Local Native Council of Kenya) he exercises constant supervision over its working. The clause of the ordinance which empowers the Governor to direct that any Native Authority shall exercise only certain specified powers can be invoked to prevent abuses. If an Authority proves utterly unsatisfactory, the recognition of Government may be withdrawn and its support transferred to a rival candidate. Finally, there is the chief's council. In gazetting a chief as Native Authority, Government assumes that he will invariably act with the advisers prescribed by local custom, but formal expression is not always given to this understanding in the Gazette notice.

In those areas where it proved impossible to discover and revive indigenous authorities, various measures were adopted in the early years of the system. In some parts "Waziris," or alien natives, were appointed to function as Native Authorities and hold courts; in others individual village headmen were selected by Government as Authorities. None of these Authorities proved sufficiently capable or trustworthy, and in 1937 the practice was adopted of appointing literate Africans with experience of affairs to be Authorities with the titles of Wakili or Liwali. It appears that these authorities have worked

* Lord Hailey, "An African Survey," pp. 437-8.

well, and have withstood the test of the increased demands upon the Native Authorities during the war years.

The Native Administration system is, however, not a static one. Where experience reveals that the Native Administration as at first constituted is not working satisfactorily, adjustments are made and new expedients adopted—although many complaints are heard from Technical Officers, of the Government's unwillingness to interfere with the traditional rules of succession even where this results in the appointment of an incompetent figurehead and where there is really no suitable member of the chiefworthy family available for selection. One of the main faults of the system in the early days was the multitude of small chiefdoms with independent Native Administrations which resulted from the researches of Government into claims to ancient authority; the resulting jealousies and intrigues and the lack of effective power among these petty chiefs made administration difficult. There has therefore been a tendency throughout the years during which the system has been in operation for Government to effect the amalgamation of such small units under one senior chief, leaving the others as sub-chiefs—here use has been made of the Governor's power to declare any Authority subordinate to any other. At the same time the federation of independent chiefdoms into larger areas for the purposes of more effective administration has been encouraged. This process is still going on, and there have recently been two outstanding examples, which will be dealt with later in this chapter.

Native Administrations are subordinate organs of government with certain defined legislative, executive and judicial powers; they are constituted Native Courts under the 1929 Ordinance by warrant from the Provincial Commissioner. It is the judicial function of the Native Authorities which best represents continuity with the old tribal system, for chiefs and their elders have from time immemorial judged disputes between their tribespeople. There is naturally, therefore, no separation of the personnel of the Administrations exercising the different kinds of authority. "The court is identical with the executive authority, and is constituted 'in accordance with native law and custom'; thus, though the warrant is in the name of the chief, the membership of the court is not prescribed by the Administration, and custom regulates the manner in which a council or elders are associated in the trial of cases." Courts are classified into grades and their powers determined by the grade in which they are placed, but the jurisdiction of each court is defined in the warrant under which it is constituted. Broadly speaking, Native Courts deal with

civil disputes between natives and with minor criminal offences, of which a large number consist of breaches of rules issued by Native Authorities. Thus the persons constituting a Court are frequently called upon to try cases arising out of breaches of rules issued by themselves in their executive capacity.

The Native Court system is entirely separate from the European judicial system of the Territory, provision for appeals being made by constituting federation courts as courts of appeal from the courts of the member chiefs, or, in the case of a paramount chief being the sole Native Authority, by giving his court appellate jurisdiction over the courts of his subordinates. Alternatively, appeals may be made to the administrative officers, who exercise a close supervision of the work of native tribunals, and who carry out a periodic review of all court proceedings, of which records are kept by native court clerks (employees of the Native Administration). Appeals from the highest native courts may be carried to the District Commissioner, and from him through the Provincial Commissioner to the Governor himself. In the early days of the system the bulk of appeals were made through the administrative officers, but the practice of carrying appeals to the Native Appeal Courts has steadily increased. It will be seen that the High Court of the Territory has no jurisdiction over these Native Courts; but in the case of the areas of mixed native population on the coast and elsewhere, where literate Africans have been appointed as Native Authorities, the courts over which the latter preside are subordinate to the High Court, although they apply not European law but the native law and custom of the parties, so far as this can be ascertained.

Because native tribunals of a kind were part of the old tribal system, this side of the work of the Native Administrations is the best understood and most readily accepted alike by the tribespeople and by the Native Authorities themselves—indeed, it has been said that member chiefs of a federation, meeting to discuss and pass rules on matters of common interest, have been observed to set about it as they would judicial business. It is generally agreed that the Courts have been on the whole successful in dispensing justice in accordance with native ideas, even if not always of the standard of impartiality demanded by Europeans. It is at any rate no small advantage that the popular character of these tribunals, in which the public in attendance plays its part in the discussion of the cases, has been retained, and that the rigidity of procedure and formality of the European court have been avoided. The importance of the judicial work of the Native Administrations can be seen from the figures for

cases dealt with by the Courts in 1944—a total of 100,903 cases, of which 53,820 were civil and 47,083 were criminal cases. Appeals to the District Commissioner numbered 1,314, and to the Native Appeal Courts 5,015.

Unlike the native tribunals, the Native Treasuries instituted under the Native Authority Ordinance to provide the financial basis of the Native Administrations were an innovation, something quite outside the experience of the traditional authorities. Before 1925 the chief continued to receive, as he had done time out of mind, tribute both in labour and in kind from his tribespeople, augmented since the introduction of organized government by a small percentage of the native tax collected by him on behalf of the Government.

This double payment—to Government by way of taxation and to the chief by way of tribute—weighed heavily on the tribesmen, the more because the tribute, which by custom was made to enable the chief to maintain the dignity of his position as head of the tribal group and to discharge the social obligations of charity and hospitality, had tended since the introduction of new economic opportunities to become in the eyes of the chief a purely personal income. No clear distinction existed between the funds intended for tribal purposes and those which could fairly be devoted to the chief's own personal expenditure; and chiefs thus could, and sometimes did, make extortionate demands upon the tribespeople for tribute, the proceeds of which they then devoted to their own private ends. In 1925, therefore, tribute of both kinds was abolished, and the native tax levied for Government purposes was increased by an amount calculated to produce the commuted value.

At the same time, Native Treasuries were instituted. Their chief source of revenue was a rebate on the native tax collected within the Native Administration area, the proportion of tax allowed as rebate varying according to the approved range of activities of the particular Authority concerned. Court fees and fines were also ordered to be paid into the Treasuries as an additional source of revenue. The additional tax representing the commutation of tribute was not paid directly to the chiefs, but was added to the funds receivable by the Native Treasuries to form a kind of civil list, from which chiefs could be paid salaries in accordance with their status and the wealth of the unit as expressed in its tax payments.

This arrangement resulted in wide variations in the chief's salary between the various tribal units, the highest salaries being paid to chiefs in areas where tribal organization was strongest. These variations still persist to-day, although alterations have been made in

an attempt to bridge the gap between highest and lowest. Chiefs may receive as little as £25 or as much as £1,200 a year from their Native Treasuries. In the early years the salaries of Native Authorities, their sub-chiefs, headmen, clerks and other staff swallowed up the larger part of the Native Treasury revenues, but the proportion of expenditure devoted to establishment charges, though still high, has fallen steadily, and is now less than one-half.

To-day, the tax rebate remains the largest single source of Native Treasury revenue, but it now forms a much smaller proportion than formerly, although it has itself also shown an increase. The growing volume of judicial business transacted in the Native Courts has swelled the revenue from court fees and fines, and the extension of the activities of Native Administrations has resulted in an increase from local sources such as markets, silos, creameries, seed farms, etc. In 1935, out of a total revenue of all Native Treasuries combined amounting to £187,000, £145,000 was accounted for by tax rebate, the remainder accruing from court fees and fines and local receipts. The estimates for 1945 gave a total revenue of £322,000, the rebate on tax amounted to £186,000, "other recurrent revenue" to £121,000 and "non-recurrent revenue" to £15,000.

In addition to the rebate on native tax the Treasuries receive from Government sources certain other payments, including a rebate on sanitary rates and house tax levied and collected within certain urban areas (Minor Settlements) lying within the areas of jurisdiction of Native Administrations; Government also assists with capital grants, towards the cost of building schools, etc. In 1942 Native Authorities in the Pare District of Tanga Province were empowered, as an experiment, to assess and levy an annual rate, and provision was made for the extension of the scheme to other areas by the Governor's direction if it proved successful. The attempt to compile a register of property to enable the Authorities to make a just assessment for the imposition of a graduated rate in the Pare District encountered strong opposition, coming in the main from the more prosperous natives, but supported by the educated element of the native population (such as school teachers) on the grounds that taxation should go hand in hand with representation, while Native Authorities could certainly not be considered representative of the more advanced natives most affected by a graduated tax.

The administration of Native Treasuries is generally agreed to have proved the weakest side of the whole Native Administration system. In most cases the annual budget is in fact prepared by the administrative officer, usually but not always in the presence of the

Native Authority concerned. The practice is also common of grouping together all the Native Treasuries within the area of one administrative officer for convenience of treatment. Standards naturally vary as between different Authorities, and among the more advanced interest in the Treasuries is said to be growing—in some places even extending to a fair public attendance at the meetings when the budget is under discussion—and voluntary amalgamations of Treasuries have taken place to make possible the more effective administration of pooled resources.

On the executive side Native Authorities are empowered to make bye-laws and issue orders, enforceable in the Native Courts, on subjects within their competence, and they undertake such activities as the provision of schools, dispensaries, silos, and tanks for water storage. They are charged with the duties, in particular, of engaging labour for public works, providing food for travellers, and carrying out measures to prevent famine. The rule-making powers of Native Authorities can be used to define local customary law and to adjust it to needs created by new conditions. This side of their work is of great importance in view of the disturbance of traditional ways of life caused by the impact of white civilization and the introduction of a market economy; and rules have been passed for such purposes as the regulation of succession to land holdings, the definition of land tenures, the limitation of the payment of dowry and bride-price. Another, and rather different, use of the rule-making power is to secure the local application (with any necessary modifications) of the policy of the Administration in such matters of general importance within the Territory as the protection of public health, the conservation of water supplies and the prevention of soil erosion. In this respect most Administrations act at the instigation of the administrative officer, as agencies of the central Government rather than as independent local bodies.

> "Typical cases will be found in the extensive use of Native Authorities in the campaign against tsetse-fly and the resettlement of cleared areas, and in the passing of Native Authority rules to establish and control markets for native produce, to combat soil erosion by contour ridging, to control coffee cultivation, to prohibit the sale of foodstuffs for export in periods of local scarcity, to promote afforestation, to close areas to stock grazing, and to regulate attendance at school. In all such cases, breach of the order or rule is triable by the native tribunal. In some instances such rules or orders may be due to the initiative of the Native Authorities; for the most part, however, they may be said to be the result of advice given by administrative officers, and, as will have been seen, they extend beyond the

> range of matters which would normally have been regulated by Native Authorities under their own customs; the Native Authority has become a recognized agency in assisting the operations of the central departments."*

That most Native Authorities should act on the advice of the administrative officers rather than on their own initiative is not to be wondered at, in view of the fact that it is only twenty years since the Ordinance initiated the Native Administration system as we know it to-day; many of the men who are now expected to discharge the functions of Native Authority would have been little more than priests and rain-makers under the old tribal system, and no small number still retain this view of their office. The chief who has had an education equivalent to the English School Certificate standard is the exception rather than the rule; the majority are at best barely literate. It should be remembered that Native Authorities are selected not by Government on account of their abilities, but by the tribe according to local custom; and owing to the uncertainty as to which of the eligible candidates will actually be chosen, special training for future chiefs is not a practical possibility—these difficulties may be expected to disappear if and when adequate general education can be provided. Often, indeed, the popular choice falls on the candidate of least energy and ability because he is less likely to disturb the even tenor of tribal ways. In these circumstances it is inevitable that many of the functions of the modern Native authority should be at best dimly understood by many of the Authorities and their tribespeople, and that the greater part of the constructive work of the Native Administrations should be due less to local initiative than to the suggestion, prompting and possibly in the last resort persuasion (a somewhat elastic term in such circumstances) of the administrative officers.

The difficulty of getting necessary services and developments carried out through the agency of the more unenlightened and backward of the Authorities is a frequent cause of complaint by officials anxious to speed up the tempo of advancement, and leads to suggestions that these unprogressive figureheads should be replaced by educated (or at least literate) Africans without claims to royal blood —a course which Government has shown itself reluctant to adopt except in actual cases of misdemeanour. What is being done, however, is to try to introduce non-traditional and educated men on to the Councils or associate them in some way with the Native Administration machinery. This has not yet gone very far, but the need is

* Lord Hailey, "An African Survey," pp. 440-1.

increasingly recognized. There is, however, a large measure of agreement that the system of "indirect rule" through Native Authorities is the best one at the present stage of development of the native peoples, if only the best man available is selected for the position. The success of the Native Courts has already been noted; and by the use of the rule-making power of Native Authorities, orders to effect administrative policies are transformed in a way which makes them less alien to African ways of thinking than direct administrative instructions would be.

To the credit of the Native Administrations it may be said that their working is remarkably successful when regard is had to the difficult conditions under which many, particularly the poorer, of them have to operate, like those described in the following account written by an administrative official:—

> "Picture a small mud-brick building roofed with corrugated iron at the best, with the wind and rain blowing in at the open sides; at one end the chief and his elders dispensing justice from a few broken-down chairs and an ink-stained table, and at the other the public seated round the sides on benches or tree-trunks, or on the floor avoiding the leaks. The court clerk bravely attempts to take down in brief a description of the case whilst preventing his papers being blown away in a storm of wind. The tax clerk sits in another corner collecting tax."

The conditions which prevail at the top are reproduced at the lower levels of the Native Administrations.

> "The executive of the Native Administration is rarely the chief. The village headman fulfils that function for a sum of from £5 to £10 a year; and he may have a number of junior headmen under him, who are not, as he is, Native Administration officials, but who may receive a present at the end of the year from the headman himself or may just do the work for the prestige or perquisites derived therefrom. The village headman has to do his business in the darkness of his hut, with the livestock and the children passing to and fro. He may have to collect on the average £150 of tax money every year from the peasants in his village. He has to receive and pass on orders and advice from his chief or sub-chief (who is in charge of a parish, as it were) to the junior headmen or the peasants themselves. These headmen are the executives who are supposed to see that the job is done, that the tax is collected, that the miscreant is brought to book, that enough food is grown by each family. In probably 75% of cases they cannot read or write, and so letters have to be read to them and a scribe (unpaid) has to write the answers. All the orders made by the Native Authority for increase of food supplies, better farming, soil conservation, pest and disease control, improved methods of

> preparing produce, health measures both for humans and livestock, etc., and all normal administrative measures have to be promulgated by the headman to his people, and he is responsible for seeing that they are carried out. Where Administrations fail to carry out their functions, much of the failure is due to the inefficiency of the inadequately paid and untrained officials at the lower levels—in many cases holding hereditary offices—with inadequate staff to assist them. Salaries are so low at the lower levels that bribery is commonplace."

Aside from the lack of resources of most Native Administrations at present (and it is now generally recognized that these must be increased for the future) the main cause of these unsatisfactory conditions is the lack of understanding of or interest in the modern functions of the Native Authority among large numbers of tribal natives, which leads to the selection of unsuitable persons merely for the sake of traditional claims to leadership; and this problem is inseparably bound up with that of the provision of educational facilities in tribal areas, a problem which received so much attention in this country during the war years. Among the more advanced of the tribes (notably those which have been longest subjected to outside influence, or to whom the introduction of a market economy has brought new social differentiation) general recognition that something more than "blue blood" is needed in a modern Native Authority is said to be developing. Indeed, there is a steadily growing gap between the small highly educated element and the chiefs, which is only narrowed by the occasional selection of an educated man as Native Authority. This gap may be expected to diminish as the old generation of chiefs dies out and is succeeded by younger men who will usually have had some schooling.

There is a growing recognition of the importance of education among the Native Authorities themselves, some even having gone so far as to suggest the imposition of special rates for the purpose. The Chagga tribe of the Kilimanjaro area have, in fact, imposed on themselves an additional poll tax of 7s. per annum, the proceeds of which are mostly devoted to education (part also goes to forestry).

In 1944 the number of registered native schools maintained by Native Administrations was 122, against 72 Government schools and 1,030 native schools maintained by various Missions. (Teachers in Native Administration schools rank as members of the local Civil Service seconded to Native Administrations, and Government helps with the payment of their salaries in accordance with local needs.) The direct expenditure on education from Native Treasury funds has increased sharply during the last few years; in 1943 it was

£14,000, while the estimated expenditure for 1945 was £73,000; and over the ten-year period 1935 to 1945, the proportion of Native Treasury expenditure devoted to this service had risen from 4.2% to 20.5%. Over the same period, the proportion of expenditure devoted to "tribal administration," including salaries of chiefs, sub-chiefs, headmen, clerks and other establishment charges, had fallen from 68.1% to 48.8%. On other heads of expenditure the proportions estimated for 1945 were as follows: Medical and sanitation, 10.9%; agriculture and veterinary services, 7.3%; roads and bridges, 3.3%; tsetse reclamation, 0.4%; water supply, 1.4%; forestry, 1.4%; general, 6.1%.

It has been suggested that better results would be obtained by devoting a greater proportion of the expenditure to the payment of the lower officials of the Native Administrations than by providing increased services which may be inadequately supervised or supported by underpaid and untrained headmen. Nevertheless, plans have been made for a big extension of Native Administration activities in the post-war period. These include the extension of educational and medical facilities, the development of general agricultural education, soil conservation programmes, the development of water supplies, the extension and protection of grazing areas, and the provision of social centres in certain districts to serve as clubs and adult education centres for the areas concerned. For the carrying out of these plans a considerable increase in the funds at the disposal of Native Administrations will be necessary, and that this cannot be secured by increasing the basic native tax because of its regressive nature. The only alternative would appear to be the imposition of a rate or tax graduated to allow for differences in individual wealth. In 1944 it was reported that Native Authorities in the Central Province had agreed to the imposition of a graduated local rate on cattle. In view, however, of the opposition to the graduated rate in the Pare district, it seems doubtful whether this solution is suitable for general application.

The process of amalgamating small chiefdoms into larger and more effective units still carries on. Quite apart from the financial and administrative disadvantages of a small unit, the small and uneducated Native Authority standing alone is often inclined to defer openly to the advice of the European administrative officer who is so far above him in knowledge and understanding, while secretly exerting his influence against measures of social advancement. Federations, especially the larger ones, often give member chiefs the confidence of numbers, and the more able of them often

show an independence of mind and a capacity for constructive criticism which makes for progress. On the other hand, where no outstanding personalities emerge to take the lead, federations sometimes tend to become amorphous, apathetic, and unprogressive assemblies. There have recently been two outstanding attempts to overcome these difficulties and to develop institutions more in keeping with the times in areas where local government is already fairly highly developed.

The first is an amalgamation of small chiefdoms in the area of the Chagga tribe, on Mt. Kilimanjaro. The twenty-two original Native Authorities have now been reduced to three by amalgamation under three Paramount Chiefs. Each has a council to advise him, consisting of his deputy, five of the original chiefs, five elders nominated by himself, and five elders elected by the people themselves. There is also a Central Chagga Council on which sit the three paramount chiefs and their deputies, and one elder from each division. This Council is itself a Native Authority with rule-making powers. This departure is of great importance, because it marks the beginning of direct representation of the people themselves, by the method of election, on the chief's advisory council. Small though this first step may be, it is of importance for the future, especially as it has not been forced on the existing Authorities.

The second federation is in Sukumaland, which covers an area to the south of Lake Victoria as large as Switzerland and contains 750,000 inhabitants. This area comprises fifty-two chiefdoms, which have for some time been united into seven federations. In 1946 the formation of a Sukumaland Federation was announced, to cover the whole of the area. The smaller federations will continue to function, but there is now to be a Federal Council, acting as the Supreme Native Authority for the whole region, and which will have wide economic and legislative powers. An Executive Committee of the Council consists of fourteen of the chiefs in rotation, under a permanent Chairman. There is to be a Federal Appeal Court and a Central Treasury. Each chief continues to act as Native Authority in his Chiefdom under the federation and holds a sub-treasury. The Superior Sukumaland Authority is expected to prove of great value in the development projects planned for that area.

URBAN AREAS

Urban local government areas are of two kinds—Townships and Minor Settlements, the latter being villages large enough to warrant the application of sanitary regulations, but not of sufficient import-

ance to be treated as Townships. Both are constituted by proclamation of the Governor.

Minor Settlements

The Governor has power to make general rules for the health, good order and government of Minor Settlements, with particular reference to such subjects as layout, cleansing, drainage, etc., of streets, preservation of open spaces in and around the Settlement, disposal of refuse, selection and protection of water supplies, control and inspection of public markets, slaughter-houses, etc.

Minor Settlements fall into two classes, those within the jurisdiction of a Native Authority and those outside such jurisdiction. In the case of the former, the Native Authority may with the approval of the Provincial Commissioner apply (with any necessary modifications) all or any of the rules made by the Governor to the Settlement and vary or revoke such rules, the operation of which may be extended to non-natives in the Settlement. The Authority of the Settlement is either the Native Authority himself or his local representative (sub-chief or headman) together with such other person as he chooses, with the approval of the Provincial Commissioner, to appoint as an additional member of the Authority. Revenue is derived either from a rebate on a local sanitary rate, or, where no such rate has been imposed, from a rebate on the house tax levied and collected within the Settlement, the rebates being paid to the Treasury of the Native Authority by the Treasurer of the Territory. All fees and other revenue levied and collected within the settlement and all costs and expenses incurred by the Settlement Authority are payable to or by the Native Treasury.

Where a Minor Settlement lies outside the jurisdiction of a Native Authority, the Provincial Commissioner can apply to the Settlement such of the general rules made by the Governor as he thinks fit. The Authority of such a Settlement consists of from three to seven members appointed by the Provincial Commissioner. To defray the costs of sanitary services, sanitary rates may be levied. Fees and other revenue levied within the Settlement and costs and expenses incurred by the Settlement Authority are payable to or from the public revenues of the Territory.

The conduct of Settlement Authorities is regulated by standing orders made by the Provincial Commissioner. Every Authority must appoint an Executive Officer for the carrying out of the duties with which it is charged, and the Provincial Commissioner has power to make such appointment if the Authority fails to do so. It is the duty

of Settlement Authorities to maintain their Settlements in a clean and sanitary condition, and the necessary powers for this purpose are conferred on them, including that of entering premises and compelling necessary work to be performed. District Officers can act in default where Authorities fail to carry out their duties. Health officers of the Government health services have power to enter and inspect any minor Settlement, to give advice to the Authority and to complain to the District Officer of neglect.

Townships

The Governor has power to make general rules for the health, good order and government of Townships, to apply any or all of such rules to any Township, and to make special rules in respect of particular Townships. He may also appoint to any Township a Municipal Secretary.

Townships are administered by Township Authorities, consisting of a president, and official and unofficial members. The Governor (whose powers in this respect are delegated in practice to the Provincial Commissioner) retains the right to appoint such persons as he thinks fit, and to nominate a president, all appointments being revocable at the Governor's discretion; but unless specific provision to the contrary is made, the President is either the District Officer or the Municipal Secretary (where one has been appointed) and the official membership consists of one officer, nominated by the head of the Department concerned, from each of the following Government Departments represented in the district: The Medical Department, the Public Works Department of Lands and Mines. Unofficial members are appointed for a term of two years on the nomination of the President, with the approval of the Provincial Commissioner. Every Authority must appoint an Executive Officer. Where a Municipal Secretary has been appointed to a Township, he holds this position ex-officio; otherwise the President of the Authority must appoint to the office one of the official members.

The power to appoint an unspecified number of unofficial members has given scope for the gradual broadening of the basis of Township Authorities and for associating in urban local government a widening range of local opinion, European, Asiatic and African. A number of Township Authorities now contain African unofficial representation, and Indian unofficial members are prominent.

Township Authorities have wide powers in the field of public health, embracing such matters as the protection and maintenance of water supplies, the inspection of food, the licensing of eating

houses, food stores, bakeries, dairies, the provision of burial grounds, and the general maintenance of the Township in a proper sanitary condition. Their duties include the regular inspection of the Township and the carrying out of measures to abate nuisances. Control of building within the Townships is entrusted to them.

Revenue is drawn from rates on lands and buildings or from a municipal house tax, together with fees and charges levied within the Township area.

In some instances natives living within Township areas are treated as being within the jurisdiction of the Native Authority of the surrounding area, but in most cases the Native Authority has no jurisdiction within the Township. Some Townships have headmen representing the different tribes or the different "wards" and meeting the District Officer regularly for discussion; and at Dar-es-Salaam, the seat of Government, where there is a considerable native population, there is an advisory board representing the most important tribes.

Municipalities

So far, the Townships represent the highest degree of organization of urban government yet reached in the Territory. In July, 1946, however, there was introduced into the Legislative Council a Bill to provide for the establishment of Municipal government in the more highly developed Townships of the Territory. Under the provisions of this Bill the Governor is to be empowered to declare any place within the Territory a municipality under the jurisdiction of a municipal council, consisting of not less than six nor more than twelve members appointed by the Governor for a term of three years, one-third retiring every year. Power will also exist to declare any place adjacent to a municipality to be an urban district, entitled to representation by an additional member of the council holding office for only one year. Full details of possible means of raising revenue, grants and functions of the Councils are set out, and of the control to be exercised by Government over municipal affairs.

The Bill leaves open the question of racial representation on Municipal Councils, but there can be no doubt that the intention is to nominate as representatives members of all the communities living in municipal areas. Already, therefore, the problems of representation always met with in mixed communities—and which have caused so much difficulty in the neighbouring colony of Kenya—are looming ahead. It will be interesting to watch the effect here of the trusteeship principle precluding racial discrimination.

CHAPTER X

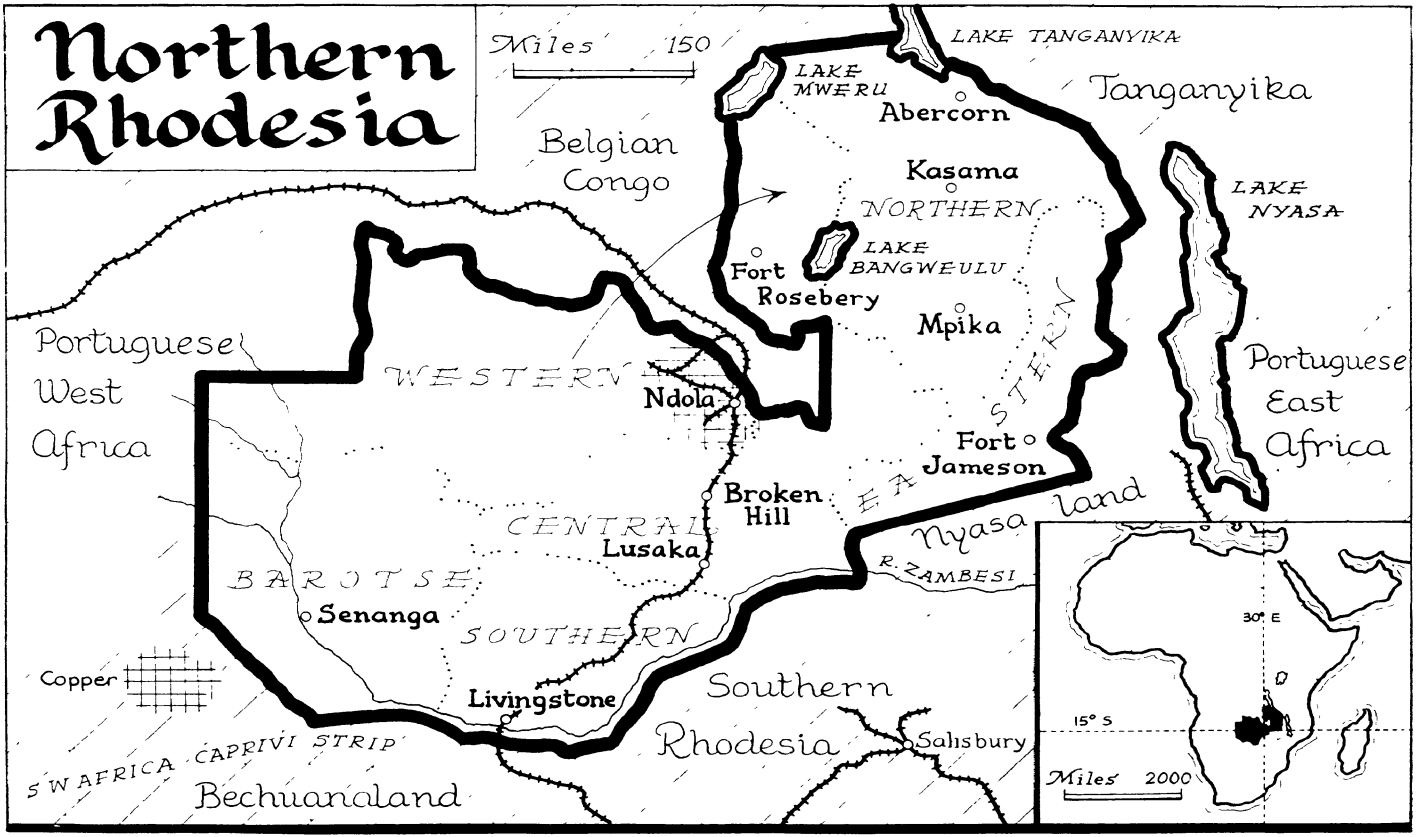
NORTHERN RHODESIA

BACKGROUND

IN THE HEART of the great landmass of Africa south of the Equator lies the Protectorate of Northern Rhodesia. This territory was, as its name suggests, acquired like its sister territory south of the Zambesi in the course of Cecil J. Rhodes' efforts to secure from the "grab for Africa" as much as possible of the eastern side of the Continent for British occupation or control. In 1891 the British South Africa Company, which had been established under Royal Charter in 1889 with rights of administration over what is now Southern Rhodesia, was allowed to extend its operations north of the Zambesi, and in 1894 the Company undertook the administration of the territory south of the Congo by arrangement with the Imperial Government.

The territory was not, however, treated as a unit; the eastern and western portions were administered separately and known respectively as North-Eastern and North-Western Rhodesia. Within North-Western Rhodesia the centralized Native State of Barotseland, under its Paramount Chief Lewanika, received different treatment again, having been brought into the orbit of the Company in 1890 by a mining and commercial concession secured in return for the protection of the Crown. Statutory powers of administration were conferred on the Company by the North-Eastern Rhodesia Order-in-Council of 1899 and the Barotseland-North-Western Rhodesia Order-in-Council of 1900, in which year a treaty or alliance between the Barotse nation and the Imperial Government finally regulated relations with the Native Government.

From this time until 1924 the territory continued to be administered by the Chartered Company, and the two administrative areas were united and given the name of Northern Rhodesia in 1911. On 1st April, 1924, the Crown assumed direct responsibility for administration, and Company rule came to an end. The importance of self-government in the tribal areas was then recognized, and 1927 saw the introduction of a new policy in the administration of native affairs—the change from direct to indirect rule. Barotseland always


Northern Rhodesia
Miles 150
LAKE TANGANYIKA
LAKE MWERU
Abercorn
Tanganyika
Belgian Congo
Kasama
NORTHERN
LAKE NYASA
LAKE BANGWEULU
Fort Rosebery
Mpika
Portuguese West Africa
WESTERN
Ndola
EASTERN
Portuguese East Africa
Fort Jameson
Broken Hill
CENTRAL
Lusaka
Nyasa land
R. ZAMBESI
BAROTSE
Senanga
SOUTHERN
Copper
Livingstone
Southern Rhodesia
Salisbury
S.W. AFRICA
CAPRIVI STRIP
Bechuanaland
30° E
15° S
Miles 2000

retained its native rulers, and only in 1937 was its organization brought into line with the concepts governing the rest of the country.

The total area of Northern Rhodesia (including the lakes) is more than 290,000 square miles, and over this country, more than three times the size of the United Kingdom, is scattered a population of approximately 1,700,000—an average of about five to the square mile. This total was made up as follows in 1947: Europeans, 27,000; Asiatic, 1,500; Coloured, 800; and Natives, 1,700,000. The picture is one of a very thinly populated territory, one of the most sparsely populated in tropical Africa.

As in other African territories dealt with in this book, the population is not evenly distributed over the country. Over large areas the soil is poor, water supplies are inadequate; and over five-eighths of the country cattle-raising is made impossible by the presence of tsetse-fly. These natural factors, combined with the policy of reserving fairly large areas for possible European settlement, in excess of what has actually been required, have caused actual overcrowding in some native reserved areas, with the familiar effects of soil erosion, etc. It is now realized that this must be met by allocating some of the unalienated land near the native reserves for the accommodation of surplus population from overcrowded areas.

The economic development of the Territory has been hampered by the extremely poor communications, which the Administration, in the absence of assistance from Imperial funds, was unable to improve substantially during the years between the two wars. A single line of rail, built by the Chartered Company, runs from Livingstone on the southern border (connecting with the Southern Rhodesia railway system) through the centre of the Territory to the Copperbelt and the Belgian Congo. On each side of this railway lies a belt of maize- and wheat-farming country on which live a European settler community and a small group of native farmers; and there are two outlying areas of European farmer-settlement in the Abercorn district (in the north-east near the Tanganyika Territory border) and in the Fort Jameson district, in the east.

But the bulk of the European population is concentrated on the Copperbelt, the highly mineralized area just south of the Congo border which is the economic mainstay of the country. From here comes the copper which constitutes so large a proportion of the Territory's exports and so important a source of local incomes. The prosperity of the whole Territory depends on that of the copper-mines to a degree which is generally admitted to be dangerous. During the depression years following 1929, little development of

essential services for the Territory as a whole was possible, but since the recovery which began about 1937, and particularly since the increased demand for copper brought about by the war (coupled with revised arrangements with the Imperial Government regarding income tax payable on incomes from the copper mines), a greatly expanded development programme has become possible.

In the native areas away from the centres of European population the poverty of communications has prevented the development of farming for the market, and the African remains a subsistence farmer. But conditions in these native areas, where even a bare subsistence is often won only with great difficulty, drive great numbers of able-bodied males from their homes to find paid employment outside; many leave the Territory in search of work in the Congo, in Southern Rhodesia, and even as far afield as the Union of South Africa. Of those who remain in the Territory, some find work on European farms, but a large number are attracted to the urban areas of the Copperbelt, and are employed at or in connection with the copper mines. It is becoming increasingly clear that the "stabilization" of the urban native population—the gradual formation of a permanent urban proletariat without any claim to a share in the tribal land of the native areas—is inevitable. As this takes place, the conflict of interests between the urbanized African worker, hitherto confined to unskilled work, but with a growing consciousness of his own capacities, and the white industrial worker, struggling to keep the skilled and highly paid occupations as his own preserve, is bound to grow sharper.

LOCAL GOVERNMENT IN RURAL AREAS

Early History

For a period of thirty years, from 1894 to 1924, the administration of Northern Rhodesia was in the hands of the British South Africa Company, whose main consideration in the field of native affairs was naturally the maintenance of peace and order among tribes which had not hitherto known the authority of an alien, organized State. For general administrative purposes, the Company divided the Territory into nine Districts, each under a European District Commissioner, subdivided into sub-districts under European Native Commissioners; and to secure the execution of administrative orders, the simple and cheap expedient of working through the tribal chiefs was adopted, but in a way which has nothing in common with the modern method of local administration through Native Authorities.

Barotseland (now the Barotse Province) was an exception to the rule, the measures adopted for its administration being at every step subject to agreement between the Native Government headed by the Paramount Chief and the Imperial Government (the Company acting as its agent).

The following account of local native administration under Company rule is taken from Lord Hailey's "African Survey."*

> "The policy of the Chartered Company, save in respect of the treaty state of Barotseland, was one of direct rule, using the existing chiefs as agencies of government, but upholding their privileges so far as these were not incompatible with the company rule; little or nothing was done towards amalgamating petty authorities to enable more effective administrations to develop; and the general effect of the policy was to preserve the outward form of the indigenous systems, but to undermine the authority of the chiefs both by making them dependent on the Administrative Officer and by taxation which obliged large numbers of men to leave their villages for considerable periods for work. At first the company confined itself to the prevention of inter-tribal wars, the collection of tax, and the removal of the administration of justice from the hands of the chiefs; in 1908 rules for the administration of natives defined the relations between the Government and the natives. The amalgamation of North-Eastern and North-Western Rhodesia took place in 1911, and the former rules were replaced by the Administration of Natives Proclamation of 1916. This proclamation made provision for the appointment and dismissal of recognized chiefs by Government, and defined their duties, but the Administrative Officer was held responsible for the general control of his district, and failure to carry out his 'lawful' orders was punishable in the case of chiefs and headmen; natives were required to carry out 'reasonable' orders or requests of both the chief and the native commissioner, and under this provision chiefs were able to exercise a considerable amount of control over their people in exacting customary free labour in their gardens and even in the recruitment of paid labour for government; chiefs were paid small subsidies by government.
>
> "In 1924 company rule ceased, the territory became a British protectorate, and the recommendations of the commissioners appointed to advise on the delimitation of native reserves attracted attention to the importance of allowing the natives a larger measure of self-government in their tribal areas. The appointment of Sir James Maxwell, whose previous experience had been on the West Coast, paved the way for the introduction of a policy of native administration more in accordance with that already existing in other territories under the Colonial Office. A conference of administrative

* Lord Hailey, "An African Survey," 1938, pp. 452-3.

> officers convened in 1927 made recommendations regarding the introduction of a system of indirect rule, and was followed by ordinances constituting native authorities and courts, introduced in March 1929, and put into effect in the following year."

The two ordinances by which the change from direct to indirect rule was effected (at least in theory, if not always in fact) gave legal status to chiefs in their executive and judicial capacity. Of the two, the Native Courts Ordinance proved the more satisfactory in operation, as in the case of Tanganyika. Chiefs had always exercised judicial powers over tribesmen, and even under the Chartered Company they had continued to exercise jurisdiction, particularly in civil cases, so that no great effort of adaptation was required of them in this direction. The Native Authority Ordinance provided the creation of a network of Native Authorities by the recognition of those already functioning unofficially and the rediscovery of those of which trace had been lost. The provision of the Ordinance empowering the Governor to declare any Native Authority subordinate to any other was also used to constitute Superior Native Authorities, though this was not done in all cases. Where a Superior Native Authority was constituted, it usually consisted of a Chief with a Council of sub-Chiefs, each of whom was a Subordinate Native Authority; but where no Chief of sufficient standing could be found a Council of Chiefs was sometimes given superior status.

The powers conferred were similar to those of Native Authorities in Tanganyika, including the issue of orders on a specified range of subjects and the making of rules for peace, good order and welfare; but an important difference between the system adopted in the Territory and that of Tanganyika was that no financial basis for the operation of the Authorities was provided. The conference of administrative officers of 1929 had considered the growth of financial responsibility in the immediate future undesirable; in fact, many members of the Administration, reared in the policy of direct rule, were extremely doubtful about the change of direction if not actively opposed to it, and this undoubtedly made it extremely difficult for them to co-operate whole-heartedly in the effort to make the new system a success. There was the added difficulty that many chiefs also opposed the change from "direct" to "indirect" rule.

It has been said that, even where powerful and efficient chiefs had existed in the past (and this had not always been the case), during the long period of direct rule under the Company their status had degenerated, in their own eyes and in their people's, into that of employees of the District Administration. Those who argued

that there was too little left on which to build had a good case; but the withholding from the newly recognized Authorities of control over any revenue, however small, which they could look upon as their own, did not encourage the growth of a sense of responsibility on their part. Generally speaking, the Native Authorities failed to recognize the Government's changed intentions and continued to regard themselves, and to act, as agents of the Administration rather than as organs of self-government. Another serious flaw in the new system was the failure to recognize the "constitutional" position of Chiefs' Councils of elders, of great importance in the traditional tribal organization. Chiefs continued, as in the days of direct rule, to receive small subsidies from Government.

In Barotseland development took a different direction from the start. At the time of British penetration into the Territory, Barotseland was already a centralized State with its own system of local government. The inhabitants consisted then, as now, of a ruling tribe, the Barotse or Lozi, forming only about one-sixth of the population, and a medley of partly absorbed tribes and other subjects, political powers being retained in the hands of the Lozi themselves. In 1890 the State came under protection, as the result of an agreement made by the Paramount Chief, Lewanika, with the British South Africa Company, and extensive constitutional powers were reserved to the Native Government. In 1891, when the Company's sphere of operations was extended north of the Zambesi, Barotseland was not included in the area over which the Company was made responsible for the administration of justice; instead, it was to receive a British Resident Commissioner, but in fact it was not until 1897 that the first Commissioner arrived.

In 1900 there was concluded a "treaty of alliance" between the Barotse nation and the British Government. The Company was to protect the Barotse nation and to help in introducing the benefits of civilization. The Paramount retained all his customary rights (tribute in labour and in kind, land, mineral, game and fishing rights, etc.) and was to receive £850 per annum from the Company. By this agreement and others of 1909 and 1911 the country was reserved from prospecting and land-alienation; European immigration was not to be permitted except with the consent of the Paramount and his Council (or Khotla), and the present Barotse Province became one great native reserve (estimated at more than 36 million acres in 1943).

When it was desired to impose taxation the Secretary of State required the Company to obtain the prior assent of the Paramount; and in 1905 an arrangement was arrived at under which 10% of the

native tax collected from the natives of the whole of North-Western Rhodesia was paid into a fund, to be used for medical, educational, veterinary and other services for Barotseland. At the same time the Paramount gave up his right to tribute from subject tribes (though he retained twelve days a year compulsory labour) in return for a subsidy which was made a first charge on the fund. In 1924 this arrangement was altered, as it was felt to be unfair to natives living outside Barotseland, and, by a new provision, 30% of the tax collected from Barotseland itself was credited to a Barotse Trust Fund set up by Ordinance in the following year. In 1924, too, the Paramount agreed to abandon his previous right to exact compulsory unpaid labour from his subjects in return for annual cash payments by Government (£2,500, of which £2,000 went to his chiefs and Indunas who had previously shared the right).

The Present System in Native Rural Areas

The year 1936 marked a further stage in the development of native local government throughout the Territory. By that time it was clear that no further advance in responsibility could be expected from the Native Authorities set up under the 1929 Ordinance until they were allowed to collect their own revenue and control their own expenditure. Accordingly in 1936 new ordinances were enacted, which besides elaborating the duties, both judicial and executive, of the Native Authorities and Courts, included provision for the establishment of Treasuries; these were in fact set up in 1937.

In the same year the agreement of the Barotse Native Government was obtained to a revision of the then existing system, which had led not to friction between the British and the native authorities, but to some difficulties in operation. The Barotse Native Courts Ordinance removed doubts as to the jurisdiction of the government courts and provided for appeals from the Native Court system to the higher British courts. The Barotse Native Authority Ordinance, while leaving the actual local government system as it then stood, brought the legal position into line with that obtaining in the rest of the country by recognizing the Paramount and his Khotla as the Supreme Native Authority and the seven local Khotlas as subordinate Native Authorities. A central native treasury was also set up, with sub-agencies in the outlying districts, and this treasury took over the existing Barotse Trust Fund.

In 1947, in keeping with the aim of making Native Authorities representative, a democratic council (a reconstitution of the old Katengo Council) was set up. In addition to the traditional members,

five non-official commoners—one from each district—are nominated (later some form of popular election will be introduced) to sit on the Council. The Katengo will meet twice each year and report on matters referred to it by the full National Council (consisting of the Paramount Chief and his Khotla)—but it is not yet clear how smoothly the two bodies will work together.

Outside Barotseland, the country is covered by a network of Native Authorities, every tribe now having a Superior Native Authority consisting of either a Paramount Chief, or a Chief and Councillors, or a Council of Chiefs. At the time of the reorganization great stress was laid on the need for making full use of the traditional tribal machinery of government, and serious attempts have since been made to re-establish the old tribal organizations wherever they existed, chiefs working through sub-chiefs down to village headmen. The status of Chiefs' Councillors as an integral part of Native Authorities was also recognized; so that the Native Authorities of to-day can be said to be much more closely rooted in the life of the people than they were as constituted under the previous ordinances.

Since the introduction of the Native Treasuries, too, the Authorities are said to have gained a new sense of responsibility for the welfare of their people and a new interest in social advancement, although for a long time the control of money was kept so strictly in the hands not only of the District but also of the Central Administration that the financial responsibility of the Native Authorities themselves was more imaginary than real; and even now the degree of control really exercised over its Treasury by the Native Authority varies from District to District. There is general agreement, however even among the earlier critics of the introduction of Indirect Rule, that the system has functioned well. In his Annual Report of 1938 the Provincial Commissioner, Southern Province, wrote: "The writer, who had grave doubts when Indirect Rule was first laid down as a policy of Government, is frankly astonished at the good progress that has been made."

But now the problem has arisen that the Native Authorities are too small to be efficient, or to command significant resources, and moves are on foot to strengthen the administrative structure—either by grouping existing authorities, or by replacing them by new bodies.

> "For tribes whose political cohesion survives (such as the Bemba) it is proposed to form central tribal councils composed partly of traditional chiefs and councillors, and partly of non-traditional

representatives popularly elected at tribal meetings.* For areas where fragmented tribes possess no large-scale traditional State structure it is intended to create Area Councils, consisting of petty chiefs together with popularly elected councillors. At a later stage it is thought that central tribal councils and Area Councils may become the major native authorities, working in conjunction with a number of subordinate native authorities. In this way it will be possible to build up local government bodies with larger financial resources, and with improved executive efficiency."†

These proposals are beginning to take shape. At a meeting of Provincial Commissioners in 1947 it was agreed that native administration should be reformed by—

1. Constituting strong central councils, composed of chiefs and elected councillors as the legislative and executive authority of local government;
2. Abolishing the existing subordinate native authorities and replacing them by executive agents of the central councils subject entirely to conciliar direction.

Actual changes along these lines are being introduced in the Eastern and Southern Provinces, where superior Central Councils are being established, consisting partly of chiefs and partly of non-traditional councillors, and the subordinate native authorities are to be abolished. An important new feature is the appointment of salaried secretaries responsible to the central councils for specific departments of administration. In the Eastern Province the non-traditional councillors are to act as "secretaries" or "ministers" to the Council—that is, they are to be salaried, and will be responsible for the administration of the various departments. This is the embryo of the full-time local government service of the future, and a means of attracting African progressives into local administration.‡

It is the duty of Native Authorities to maintain law, order and good government in their areas; and they have powers to make rules, with the approval of the Governor and the concurrence of their Superior Authority, for peace, order and welfare. They can also issue orders, which must be reported to the Superior Authority and the District Commissioner, on a specified range of subjects, including water pollution, the spread of disease, sanitation, the extermination of pests, the making of inter-village roads, etc.

* More and more, during the last few years, non-traditional representatives have been brought on to native authority councils.

† "A Digest of African Local Administration," No. 2, March 1948. Prepared by the African Studies Branch of the Colonial Office. P. 22.

‡ For full account of these changes, see "A Digest of African Local Administration," *op. cit.*, June 1948, pp. 24-26.

The Provincial Commissioner and District Commissioner may require the making of orders and act in default, or may revoke any orders made by a Native Authority. The Governor is empowered to direct that only specified powers may be exercised by any Native Authority.

The Native Treasuries draw their revenue from a rebate on the native tax collected in their areas, from Native Court fees and fines, and from arms, game, cycle, fishing and dog licences and any local rates and levies which may be imposed. Government also makes grants towards the upkeep of schools, and grants may be made for capital expenditure. From the Native Treasury funds chiefs are paid salaries calculated according to their respective grade and status and the wealth of the unit as expressed by the gross amount of tax which it pays; other members of the Native Authorities give their services in an honorary capacity, but are paid small honoraria to enable them to maintain their position. In certain cases (for instance, where chiefs have been made redundant by the amalgamation of petty Authorities) ex-chiefs are also paid small pensions. Employees of Native Authorities—clerks (chiefs' clerks, Treasury and Court clerks), Kapasus (the name given to Native Authority Police), and such additional regular employees as ferrymen, school teachers and school-attendance officers are also paid from Treasury funds on a wage basis.

An article published in December, 1944,*gave information about the position at that time. Chiefs' salaries then ranged from about £1 to around £8 per month. The salaries paid to chiefs' clerks and Kapasus ranged from about 10s. to 35s. per month; while Native Treasury Clerks (occupying highly responsible positions with access to considerable sums of money) might receive anything between £6 per month in a large and prosperous Treasury and 14s. 6d. per month in a small and poverty-stricken area. Low as these salary charges were, they were said to swallow up a large part of the available funds, and a further large slice was accounted for by other establishment charges—uniforms, travelling allowances, etc. The writer of the article commented:—

> "The bulk of the funds go to administration, and even so the staff are poorly paid. Salaries of chiefs, Kapasus and even clerks are sometimes lower than those of labourers, but the work is not full-time, and they have their own gardens to cultivate. Any increases in revenue which will allow additional development are likely to

* "Native Treasuries in Northern Rhodesia," by N. S. Carey Jones, Assistant Auditor of the Department of Audit. Published in Volume 11, "Human Problems in British Central Africa," Rhodes-Livingstone Institute Journal, December 1944.

be matched by claims by chiefs and clerks for more pay to compensate for their additional responsibilities, as hitherto it has been the practice for salaries to bear some relation to revenue with a view to stimulating collection."

The position has since been somewhat modified by an addition to the tax rebate allowed for the financing of the Treasuries. At the inception of the Treasuries this rebate was fixed at 10% of the total native tax collected; this was later increased to 1s. 6d. per tax, and in 1941 to 2s. The difficulties caused by the low level of salaries which even so in some cases exhausted the Treasury's meagre resources (as low as £200 to £300 per annum) was recognized by Government in 1944, in which year an additional rebate on the tax amounting to £25,000 was made available by Government. This was made in the form of a block grant paid not to the individual Treasuries direct, but to a Central Native Treasury fund, from which assistance was given to the more necessitous Treasuries to enable them to pay more adequate wages. The grant was repeated in 1945; and finally in 1946 it was converted into an additional rebate of 1s. 6d. per tax, made available in the same way.

Other expenditure of those Treasuries which can afford it is devoted to such items as the provision of rural postal services, the building of schools (though, in principle, Government is responsible for all schooling), roads and dispensaries, the sinking of wells, the construction of dams, and the maintenance of all these projects. No recent details of expenditure are available, but in the article already quoted some figures relating to the year 1943 were given for purposes of illustration. The Treasury of Plateau Tonga, covering an extensive area on each side of the railway line, was quoted as an example of a large and prosperous Treasury; in 1943, out of a total expenditure of £3,412, £2,384 (nearly 70%) was spent on administration, made up as follows:—

Chiefs	£974	Uniforms	£80
Treasurer*	£30	Office Equipment ...	£2
Clerks	£426	Transport	£81
Kapasus	£458	Meetings of Chiefs ...	£30
Assessors	£303		

This was stated to be characteristic (so far as proportions, not amounts, are concerned) of all Treasuries, down to those which spend their all on administration. In this case, however, £1,028 was spent in

* Plateau Tonga employs a Chief as Treasurer, paying him an addition of £2 10s. per month to his salary.

addition on development and maintenance of old projects—a handsome sum for a Native Treasury. Of this £612 went for the maintenance of wells, £67 for new school buildings, £21 for court house, £143 for wagon roads, £108 for dams, £265 for repairs to African wagons, £34 for repairs to a dam, £165 for the purchase of scales for food buying. The items for wagons and wagon roads were part of a programme to combat soil erosion due to the use of sledges before the introduction of wagons. For comparison the figures for Ngoni (in the Fort Jameson District in the eastern part of the Territory) were given.

> "There the area is populous but smaller, and the overheads are reduced. Out of a total expenditure of £1,356 only £650 went to administration costs. This is remarkably low. The 'other expenditure' includes: maintenance of roads, £24; maintenance of schools, £292; maintenance of wells and dams, £13; famine relief, £80; rural postal services, £5; building and agricultural schemes, £41; schools in new areas, £133; Treasury clerk's house, £25.
>
> "On the other side of the account appears, in addition to ordinary revenue, school revenue, £119; grants from Government for educational work, £115; for ghee industry, £39; for fruit farming, £20. The last two items are the amounts left unexpended from larger grants made in that or a previous year."

The writer of the article commented:—

> "It is clear from the above that where there are funds they are used imaginatively for development, though on a pitiably small scale. . . . The two examples taken are rather happier than most."

The writer also pointed to the item, "scales for food buying" in Plateau Tonga, which was part of a scheme for setting up buying stations for native produce, and suggested that here was a field for the development of Native Authority activities—by cutting out the middleman's profit Authorities could help the native producer to sell any surplus which he might be able to produce at lower prices; and a necessary corollary might be the undertaking by Native Authorities of retail trade in the native areas. The desirability of such development has now been officially recognized, and in 1946 an amendment to the 1936 Ordinance conferred on Native Authorities additional powers to make rules "for regulating, controlling or promoting trade and industry." In general the Native Authority (Amendment) Ordinance of 1946 recognized that sufficient progress had been made to allow Native Authorities to levy rates. Certain principles governing the levying of rates have been laid down, among

them that the rate should be associated with some Native Authority scheme to improve social services such as a school or dispensary. In addition, as already explained, the government allots a percentage of Native Tax to the Native Authority Treasuries, many of which are now being entrusted with the collection of Native Tax. General control, as apart from the detailed supervision of the District Administration, over Native Treasuries, is now exercised by a Central Native Treasury Board, whose functions are to revise at least once annually the state of the finance of Native Authorities and to advise the Governor in Council of any measures necessary to set these finances on a sound basis, to advise on what basis grants should be made to Native Treasuries from general revenue or departmental funds, and to make recommendations in general for the efficient conduct of Native Treasuries.

In Barotseland, the tax rebate which the Barotse National Treasury receives from Government was originally fixed at 30%; in 1941 it was increased to 50%, to compensate for the loss of certain revenues. In 1946, a further increase (to bring the rebate in Barotseland into line with that in the rest of the country) was made, bringing the proportion up to 75%. At the same time powers to control and promote industry similar to those granted to Native Authorities outside Barotseland were conferred on the Barotse Native Authorities.

Another innovation recently accepted by Government, which has a considerable bearing on the question of the future development of native local government, is the substitution of what is known as the "Parish System" of native land tenure and native registration for the existing system, which has compelled Africans in rural areas to live in villages containing not less than ten taxpayers and covering not more than one square mile. Under the new system, the object of which is to "stabilize" African rural life and to counteract to some extent the tendency towards a drift to the towns, Africans will be registered as belonging to "parishes" (a rather unfortunate name, for which no satisfactory substitute could be found), areas of from twenty square miles upwards, instead of villages; and, subject to certain conditions, they will be allowed to establish themselves and their families anywhere in the area, instead of having to uproot themselves and follow their village whenever and wherever it moved in accordance with the requirements of the "shifting agriculture" practised by the Bantu. These parishes will be under the control of Parish Councils, which will form the first link in the chain which leads ultimately to the Superior Native Authority of the tribe. The

Native Land Tenure Report of 1945, which recommended the adoption of the parish system, described these councils as follows:—

> "Parish Councils under a Chairman appointed by a Native Authority must be established at the earliest opportunity. They should consist at first of the headmen of the villages which have gone to make the parish together with an equal number of the inhabitants of the parish selected by the Native Authority as being progressive individuals willing to take interest in public affairs.
>
> "One method of defining the status of parish councils would be to declare them to be subordinate Native Authorities from the start. In any case their powers must include (i) deciding which individuals are to be allowed to establish family settlements and where; (ii) preventing persons not registered in the parish from cultivating inside its boundaries; (iii) granting permission for removals from, and movement into, the parish; . . . (iv) keeping a parish register.
>
> "Parish Councillors, unless they are gazetted Native Authorities, should have the status of urban advisory councillors,* and a considerable amount of prestige should go with the appointment. Decisions should be made in council and minutes kept. Either by gazetting the parish council a subordinate Native Authority or by some other means the council should be given the power to spend public money in necessary work, to make bye-laws, to employ a rural constable to keep order, and to levy rates for parish purposes. The precise method by which parish councils are established is immaterial. The essential is that they should be self-contained institutions fitting into the existing framework of Indirect Rule."†

European Rural Areas

In the rural area of European settlement, along the railway line and in the Fort Jameson and Abercorn Districts, there has as yet been no development of local government by the inhabitants. The germ of local institutions of self-government may, however, lie in the Road Boards which have been established for some of these areas under the Roads and Vehicles Ordinance.

These Boards may be appointed by the Governor for any portion of the Territory, and consist of two or more persons residing or having official duties in or near the locality. Their functions are "to undertake, subject to the directions of the Governor, the care, maintenance and construction of roads within the area so specified." Boards are capable in law of suing and being sued, and of purchasing

* See below, pp. 187-8.

† Report of the Native Land Tenure Committee, Lusaka, 1945, p. 14, Appendix 3, para. C(d).

and holding property for their requirements and selling property no longer required. They keep minutes signed by the Chairman, of which copies must be forwarded regularly to the Governor, and accounts are kept which must be certified by the Chairman and one other member and submitted annually to the Governor, who may cause them to be audited and examined by a Government auditor. The revenue of the Road Boards is derived from Government grants. Each Board may appoint a Secretary and other officers and pay such salaries as the Governor may approve; and because of the distances involved in some cases, a Board can pay out of its funds the actual out-of-pocket expenses incurred by members in attending meetings or in otherwise carrying out their duties. The District Commissioner or District Officer in Charge is always a member of the Board, but is not usually appointed chairman.

In 1943 there were eight such Road Boards in the Territory (two in the Central Province, one in the Eastern Province at Fort Jameson, and five in the Southern Province), together with an Advisory Committee for Roads for Ndola in the Western Province. Similar bodies in Kenya later combined with non-statutory advisory committees to form the nucleus of District Councils mainly concerned with roads, and it is possible that the same line of development will be followed out in Northern Rhodesia.

URBAN AREAS

Local government in the urban areas has hitherto, with the exception of certain African advisory bodies to be mentioned later, been entirely in the hands of Europeans. The first beginnings of local self-government for these areas date from 1913, when Village Management Boards were appointed under the Village Management Proclamation of that year. To-day urban local government is the affair of the Municipal Councils of the two Municipalities, Livingstone (in the Southern Province and on the southern border of the Territory) and Ndola (in the Western Province, the main commercial centre of the Copperbelt and near the Northern frontier with the Congo); and of the Township Management Boards or Committees of some sixty Government Townships and five Mine Townships.

The Municipality of Livingstone dates from 1928 (having been declared under provisions of the Municipal Corporations Ordinance, 1927). The number of elected Councillors is six, one-third of whom retire each year in rotation, and the District Commissioner is

appointed to be an additional member of the Council by the Governor. A Mayor and Deputy Mayor are elected annually from among the Councillors. Councillors are disqualified if they fail, without good cause, to attend meetings of the Council throughout a period of three consecutive months (monthly meetings being prescribed by statute). The Council works through the Committee system and co-option of non-members is permitted.

The franchise is open to persons of both sexes over the age of 21 who for six months out of the fifteen preceding the 1st November of any year have occupied, or on the 1st November are owners of, rateable property assessed at not less than £250, in respect of which all rates, sanitary fees and water charges have been paid in full. If the property is assessed at a value of over £1,250 but not more than £2,500, the owner or occupier is entitled to one additional vote, and if it is assessed at more than £2,500, to two additional votes. Owner-occupiers are entitled to votes in respect of both their qualifications. On the basis of this franchise, there were 512 persons registered as voters in 1943.*

The Municipality of Ndola was declared under the Municipal Corporations Ordinance in 1932. The Council consists of nine elected Councillors, one-third retiring each year, and three Government Officers appointed by the Governor, one of whom is the District Commissioner. The Mayor is elected from among the Councillors annually. The franchise and the provisions for meetings, disqualifications, etc., are the same as for Livingstone.

Both Councils have all the usual powers and duties of municipal authorities, including the power to make bye-laws, which must have the approval of the Governor in Council, who may himself make, alter or revoke any bye-laws; and they are Local Authorities for the purposes of the Public Health Ordinance. In addition, they are responsible for the conditions under which large numbers of Africans live; but this question will receive separate treatment below. Their revenues are derived from rates (which may be owners' rates assessed on the value of rateable property or occupiers' rates assessed on the annual value, or both, in practice only owners' rates have so far been levied), licences, fees for services (sanitary burial, abattoir, water and light fees), compound and huts rent from the native

* These facts can give no idea of the actual framework of local politics in Livingstone. The town itself consists of four sections—railway, sawmills, government, tradesmen, and these are reflected on the Municipality. The Railway Engineer always gets elected and it is part of his duties to stand, presumably to look after railway interests. Similarly, the Manager of the Zambesi Saw Mills seems to be always on the Council, and for some reason a particular law firm always gets its members to stand.

locations, one-half of fines imposed for breaches of the Ordinance or bye-laws imposed in competent courts, and in the case of Ndola Government grants (from motor vehicle licence fees and in lieu of rates). In 1943 the figures for Livingstone were: total revenue £32,000, total expenditure £32,000, net debt £64,000. For Ndola, total revenue £26,000 (of which rates on immovable property accounted for £3,000), total expenditure £23,000, net debt £82,000.

Of the Townships, many are small settlements along the line of rail and the remainder, although gazetted as townships, are really only villages with a handful of European residents and not many more African. Some townships (twelve were listed in the Blue Book of 1943 and fifteen in a Report of 1944) are administered by Management Boards, the rest directly by a Government officer appointed by the Governor to be the Local Authority, perhaps with the advice of an unofficial committee. Of these Townships with Management Boards, in only one, Broken Hill, had the provisions for the election of members enacted in 1936 been applied up to 1943; and the Management Board there consists of four elected members, two of whom retire annually, and three nominated members, one of whom is the District Commissioner. In all other cases the members of the Management Board are nominated, and the District Commissioner, or District Officer in charge, is a member, although he is not always appointed Chairman.

The franchise for the election of members of Management Boards laid down by law is narrower than that for the two municipalities, the ownership qualification being £300 and the occupation qualification £360, with one additional vote for property assessed at more than £1,500 but not more than £3,000 and two additional votes for property assessed at more than £3,000. In 1943 the number of registered voters at Broken Hill was 223, with 374 votes between them. Boards meet at least once a month, and copies of the minutes are submitted to the Chief Secretary of the Territory quarterly. It is laid down in the Ordinance that except with the consent of the Chairman no question may be debated nor any resolution be moved which is not concerned with the health, order or good government of the Township or the performance and execution of powers and duties vested in or imposed on the Board.

Boards are corporate bodies with perpetual succession, etc., but they have no power to lease, mortgage, alienate or sell any immovable property without the consent of the Governor. Each Board may appoint a Secretary and other officers, whose remuneration may be decided by the Board subject to the approval of the

Governor; but the appointment or dismissal of officers discharging public health duties is subject to the prior approval of the Governor.

Local Authorities of Townships (whether a Board or an officer appointed by Government) are Public Health Authorities and have power, subject to the approval of the Governor, to take all measures necessary for the proper conservancy, lighting and public health of the Townships; with the prior approval of the Governor in Council they may construct dwellings and dispose of them, raise housing loans, acquire land for housing purposes, etc., and the Governor in Council may vest in them control and management of public streets, etc. There is no power to make bye-laws; the Governor in Council makes general regulations for maintenance of health, safety and well-being and for good rule and government, and he may apply all or any of such regulations to any township or make special regulations in regard to particular Townships.

Every Township has a Township Fund, from which are paid all expenses incurred by the Local Authority in administering the Township and into which are paid all the revenues which the Local Authority is entitled to receive. These revenues include all rates, fees and charges imposed by the Local Authority; such rates, fees and charges collected in respect of anything done within the Township as the Governor orders to be paid into the Fund (this may include revenues from waterworks, electricity undertakings, etc., established by Government); rents from immovable property; one-half of all fines in respect of breaches of the Townships Ordinance or Regulations; and any advance or grant-in-aid out of general revenue. Rates may be levied with the consent of the Governor in Council. Up to 1943 rates had been imposed only in Broken Hill, Lusaka, and Luanshya; in the remainder the sources of revenue were generally sanitary fees, compound rents, a moiety of fines, and in some cases building, burial, light and water fees. The revenues of Broken Hill Township in 1943 amounted to £13,000 (exclusive of the revenue from the Native Canteen) and the expenditure to £12,000, while the net debt stood at £29,000. Lusaka Board had a revenue of £11,000, and Luanshya £14,000. Some of the smaller townships, however, showed revenues and expenditures of only a few hundred pounds.

Mine Townships are established at the request of a Mining Corporation by the Governor in Council, for the accommodation of mine employees on land belonging to their employers. The Local Authority of such a Township is a Board of Management consisting

of the person or persons nominated in writing by the Mining Corporation and appointed by the Governor, who may, however, at his discretion refuse any person nominated on the ground of unsuitability. Mine Township Management Boards are corporate bodies. Each may appoint a Secretary and such other officers as may be considered necessary. Subject to the approval of the Mining Corporation concerned, the Boards have general powers to take all measures necessary for the proper conservancy, lighting and public health of the Mine Townships. They are not empowered to issue licences in respect of any trade or business except with the special written permission of the Governor; but they may, with the approval of the Governor in Council, make bye-laws for the maintenance of health, safety, etc. The revenues of Boards consist of funds provided for the purpose by the Mining Corporations, together with any charges for services provided by the Boards; in addition, the Governor may at his discretion direct that one-half of fines in respect of breaches of the Ordinance (the Mine Townships Ordinance of 1932), the Public Health Ordinance and regulations or bye-laws be paid to any Board. The Boards keep accounts which are subject to periodic examination by the Mining Corporations.

Native Urban Areas

Most of the problems with which the urban local government institutions in the Territory are concerned are common to similar bodies the world over, but, as in other African territories, here the Local Authorities have the additional responsibility of controlling a considerable African population which is attracted to the towns by the opportunity of earning money. These African urban workers are accommodated in locations or compounds forming part of the Local Authority area or in settlements in the immediate neighbourhood of the towns. One of the results of this concentration of native population is an acute problem of African housing, which has until recently been beyond the power of the Local Authorities to solve, owing to their lack of adequate financial resources. A Commission appointed to inquire into the administration and finances of native locations in urban areas, which reported in 1944, revealed the very unsatisfactory state of affairs obtaining in the native urban areas, whether under the control of the Local Authorities or outside. It was pointed out that although most Local Authorities had made real efforts to improve African housing in their own locations, such improvements as had been effected had come about without any preconceived policy. Like Topsy, the locations "just growed."

The Commission described the Local Authority's locations in the following terms:—

> "The locations we visited presented on the whole a miserable picture indeed. The usual layout of rows of houses in straight lines, very often too close together, and in many cases open spaces are inadequate or absent. Natural features have seldom been used to advantage, and in some cases all indigenous trees have been cut out and little attempt made to replace them. The African living in these locations therefore has no encouragement to develop family life and is deprived of the privacy to which he is entitled."

The locations contain, besides the housing provided by the Local Authorities, what are known as "grass compounds," in which Africans are allowed to erect their own houses on plots for which they pay plot rent; the result has been, in many cases, overbuilding of the plots, and most of the houses in these compounds were stated by the Commission to be thoroughly unhygienic and quite unsuited to urban conditions. One of the main difficulties with which Local Authorities have been faced in the attempt to improve housing conditions is the inability of the average African worker to pay an economic rent at the present low rates of wages. As a result of the Commission's findings, however, a Department of African Housing was set up by the Government in 1946, its purpose being to assist and advise Local Authorities to supervise African housing schemes in Local Authority areas, and to consult native opinion on the architecture, etc., of African housing.

The administration of the native urban areas under the control of the Local Authorities is carried out under the general direction of the Town Clerk or Township Secretary by a Location Superintendent with an African staff of clerks and police (it is now proposed that the employment of special location police should be discontinued). The provision of amenities such as clinics, recreation halls, playing fields, etc., is usually financed out of the profits of the municipally run Native Beerhall or Canteen.

In 1939 the experiment was inaugurated of setting up Urban Native Advisory Committees under the Chairmanship of the District Commissioner in certain of the Copperbelt Townships, to form a clearing house, the exchange of ideas and the ventilation of native views. Their working proved successful, and they have since been extended to all the main townships of the Territory. They usually consist of about a dozen members, some elected on a tribal basis and the rest nominated to represent as far as possible all the different African sections of the urban community—mineworkers, shop

assistants, railwaymen, school teachers and so on.* They are free to discuss any subject they please, not necessarily confining themselves to matters of local import, and the agenda is in most cases put up entirely by the African members themselves, the District Commissioner adding anything which he wishes to have discussed when they meet. Meetings are usually held once a month. Any matters which they may wish to carry further are passed on to the Provincial Commissioner and, if necessary, through him to the Government; or they may be held over for general discussion at the African Provincial Councils described below.† African Civil Servants are not eligible for membership of these advisory Councils.

In some instances the Native Advisory Committees have developed into full African Urban Advisory Councils, and representative Africans from these Councils have even obtained seats on the Native Affairs Sub-Committees of the European-controlled Municipal Councils. It cannot now be long before direct African representation on the Municipalities and Township Boards is achieved.

Another African institution which plays an important part in urban life is the Urban Court, consisting of Elders representing the principal tribes and selected in most cases by the Superior Authority of the tribe. These Elders, who are experts in native law and custom, are sent down to the different townships to try all cases of a minor nature which arise between Africans. Besides relieving District Commissioners and Magistrates of a vast amount of judicial work, the Courts help to preserve the link with the tribal areas; they are welcomed by some sections of African public opinion, but there are also many complaints. One is that it is impossible to provide Elders belonging to all the many tribes represented in the industrial areas; another comes from the progressive urban Africans who resent having their affairs dealt with by "men from the bush." These Courts, it may be noted, grew out of an informal arrangement in 1937 with certain of the Native Authorities in labour-supplying areas whereby the latter were invited to send representatives to act as assessors to assist the District Officers in disputes.

There are also in the towns certain voluntary associations of Africans known as African Welfare Societies, which exist, in theory, for the purpose of discussing matters such as recreation and sport, housing, sanitation, amenities and welfare generally in the restricted sense of the word. In actual fact, they discuss anything they please.

* An interesting attempt in Ford Jameson to secure adequate representation of an urban population of mixed tribal origin is reported in the "Digest of African Local Administration," prepared by the Colonial Office, of June 1948, p. 24.

† See pp. 190-2.

As African members of the Government service are not debarred from membership of these Societies (as they are from the Urban Native Advisory Councils) and may now even join in political discussions, these societies usually consist of all the best educated and most progressive individuals in the locality. They have no precise constitution, and usually resemble something midway between a club and a debating society. Their members are entitled to representation on the Urban Native Advisory Councils, and it is through the latter that they are able to raise matters of a political nature, while matters dealing with welfare pure and simple are submitted directly to the District Commissioner.

The African Welfare Societies and the Urban Native Advisory Councils do valuable work in bringing the African into contact with urban local government, but only in an advisory capacity. Recently, however, Government have adopted the policy of building African Townships at a distance of a few miles from the existing European towns. These townships are intended to accommodate Africans working in the European towns as well as independent artisans and shopkeepers, and to give them freedom from many of the restrictions which are inseparable from the town locations. Their appearance, with trees and gardens and pleasantly rural surroundings, is said to be refreshing change from the dreariness, not to say squalor, of most town compounds. The practice is being adopted of appointing African Management Boards to administer local affairs in these African Townships. Although this will, at first, touch only a small section of the African population as a whole, it will undoubtedly afford an invaluable opportunity for Africans to gain experience in democratic self-government to an extent so far impossible of attainment in the rural areas, where the traditional respect for "blue blood" tends to be strengthened by the Native Authority system.

PROVINCIAL COUNCILS

In the section on local government in the rural areas it was stated that no development of local institutions had yet taken place in the areas of European settlement. In 1936, however, there was a somewhat ambitious attempt to establish Provincial Councils which were intended to become in due course bodies resembling County Councils in Britain—ambitious because the smallest of the Provinces is more than three times the size of the largest English County, with infinitely smaller resources and extremely poor communications, and

because there had been no growth of intermediate local bodies which could canalize and direct local interest into the broader stream of provincial affairs.

These Provincial Councils met under the chairmanship of the Provincial Commissioner, and consisted of the senior technical officers in the province, medical, veterinary, agricultural, and educational, one or two leading settlers, the local member of the Legislative Council, a missionary representative, and in the case of the Northern Province two Africans. They considered the annual estimate before submission to headquarters, and in particular they made recommendations about roads, schools and agricultural policy in the Province. Sometimes heads of departments used to attend these councils in order to explain details of Government policy. At first the Councils seemed to meet with considerable success, but after a few years they were allowed to die out, and 1939 saw the end of the experiment. It is claimed that this was largely owing to opposition at headquarters, where at that time a policy of extreme centralization was favoured.

Useful as these bodies may have been, their composition conveys the impression to an outside observer that they were rather of the nature of regional administrative conferences than embryo institutions of local self-government likely to develop into anything remotely resembling English County Councils. Indeed, in view of the enormous preponderance of Africans, the very small numbers of the European population in all but the Southern, Central and Western Provinces, and the concentration of that population into certain fairly well-defined areas, it seems doubtful whether organization on Provincial lines is the most suitable at this stage—at least, it is intended to keep the European organization parallel with, but separate from, the African system which is now developing.

In 1942 it was decided to set up African Provincial Councils throughout the Territory, the first being that for the Western Province, at the end of 1943. These Councils, originally called Regional Councils at the request of Government, but later renamed in order to avoid confusion with intercolonial and international bodies, represent both rural and urban African communities. They consist partly of chiefs or councillors representing Native Authorities and rural Africans, and partly of members elected from the Urban Native Advisory Councils and the African Welfare Societies. In spite of fears at the outset of friction between the chiefs, representing the traditional element in African life, and the more advanced and better educated town-dwellers, fears which appeared

at first to be justified by the refusal of the somewhat unprogressive chiefs of the Western Province to sit at the same table with the young men from the towns, the Councils have proved successful within their sphere, which is entirely advisory. The precise composition of each council varies, but a rough balance is maintained between the Native Authority element and the "advanced" African in every case, except in the Eastern Province, where the former predominate.

The Councils meet once or twice a year and generally last three days; on the first day the meeting is a purely African affair, the Chairman being an African, and the Provincial Commissioner takes charge on the second day. It is intended that eventually there shall be an African chairman for the whole meeting. A great variety of items is discussed; the main part of the agenda is put up by the African members themselves, but Government usually has on the agenda several items about which it wishes to record the opinions of the Council. Questions such as the desirability of an African Marriage Law for the whole Territory, whether or no Africans should be enabled to make wills disposing of their property contrary to tribal custom, and the handling of juvenile delinquents in towns, are instances of the kind of matters referred to the Councils by Government. The African members, for their part, often raise matters at the request of their "constituents."

An interesting example of the increasingly progressive outlook of the Native Authority representatives is afforded by a resolution put forward by the chiefs at the first meeting of the Kaonde-Lunda Provincial Council, in September, 1944, that the English language should be taught in all African schools, because of the need for a common language throughout the Province; and questions of wider interest, such as the formation of African Trades Unions, the institution of a minimum wage, and amalgamation with Southern Rhodesia are among the matters brought forward. No one reading the minutes of the meetings of these Councils can doubt that the members speak their minds freely and without inhibition, and by no means feel themselves obliged to agree with the views expressed by the Chairman. The general consensus of opinion is that these bodies have already served a very useful purpose both by enabling the African to make his views known on matters which concern him, and by giving him a chance to prepare for an eventual part in the government of the Territory.

The further step was taken in 1946 of constituting an African Representative Council for the whole Territory, the first meeting of which was held in November, 1946. This Council, which is the

logical development of African Provincial Councils, consists of twenty-nine members in all, twenty-five elected by the six Provincial Councils with the addition of the Prime Minister and three other members of the Council from Barotseland. The function of the Representative Council is to advise the Governor on legislation and other matters affecting Africans.

In 1948 the number of unofficial members representing African interests on the Legislative Council was increased from two to four. The two new members are—for the first time—Africans elected by the African Representative Council. In this way, the Native Authorities in the rural areas and the Urban Advisory Councils are linked to the Central Legislative Council by a continuous chain of indirect representation.

The African Provincial Councils are not in any sense local government institutions, for they have no executive or legislative powers, and they concern themselves, in an advisory capacity, with many matters which lie outside the scope of local government proper. Those members of the local European population who believe that African advance must be along the lines of partnership with, and not dependence on, the European see in them a promising line of *political* development for the future, and wish to see them fitted into a general administrative framework within which African and European institutions would develop on parallel lines. But, as in other African territories which we have discussed, their connection with local government proper has still to be worked out.

CONCLUSION

Thus we come round once more to the whole question of the extension of local government in the Protectorate, and the breaking down of what many people consider to be the over-centralization of government at the present day. One of the strongest and most consistent advocates of decentralization, Colonel Sir Stewart Gore-Browne, who has for long represented Native Interests in the Legislative Council, has expressed the opinion that this should be achieved by the re-establishment of the European Provincial Councils described above and the appointment to them from African Provincial Councils of representatives to serve on what would be a joint council for each Province. The African Provincial Councils would then be left to concern themselves more particularly with African affairs in their own areas. Sir Stewart points out that in practice European and African interests in local problems coincide in a

variety of directions: roads, transport, tsetse control, waterways, etc., are all equally important to the rural African and European settler alike; and, given the right atmosphere, nothing but good could come of joint discussions leading to action for the common benefit, and taking the place of the existing attitude of mutual suspicion between the two races. Everything here turns on the words "the right atmosphere"; and the question which suggests itself, to which only time can provide a final answer, is whether there are not at present fundamental differences of interest between the two races which will show themselves and prevent any real and lasting co-operation. This, however, is a question the discussion of which falls outside the scope of this book.

The extension of local government is now very actively before the Northern Rhodesian Government. In 1945 a debate took place in the Legislative Council on this subject, and a motion, "That Government should appoint a Local Government Officer when this becomes practicable, one of whose duties should be to investigate the possibility of extending local government to rural areas," carried unanimously, was accepted by Government. In 1946, when the proposal to set up an African Housing Department was before the Legislative Council, it was made clear by Government that this was part of a larger scheme including the appointment of a Commissioner for Local Government, the officer appointed being destined to act as Commissioner of Local Government and African Housing, in recognition of the fact that so much of the work of the Department must be carried out in co-operation with Local Authorities in the urban areas. In view of the complexity of the problems of African housing in the urban areas alone (and housing in the rural areas is also to be the concern of the new Department) it is not to be expected that much attention will be devoted to general local government questions in the early stages. But a Secretariat Department of this kind, whose day-to-day business will bring it into close relations with existing local bodies and which will be forced to consider long-term trends in relation to immediate needs, will come to possess a fuller understanding of the conditions which form the background to the general problem of delegating responsibility for government to local bodies. Whatever solution may be adopted, it must be fitted into the framework of a real partnership between the white and the black races in the Territory, for no other arrangement can be durable.

CHAPTER XI

THE ANGLO-EGYPTIAN SUDAN

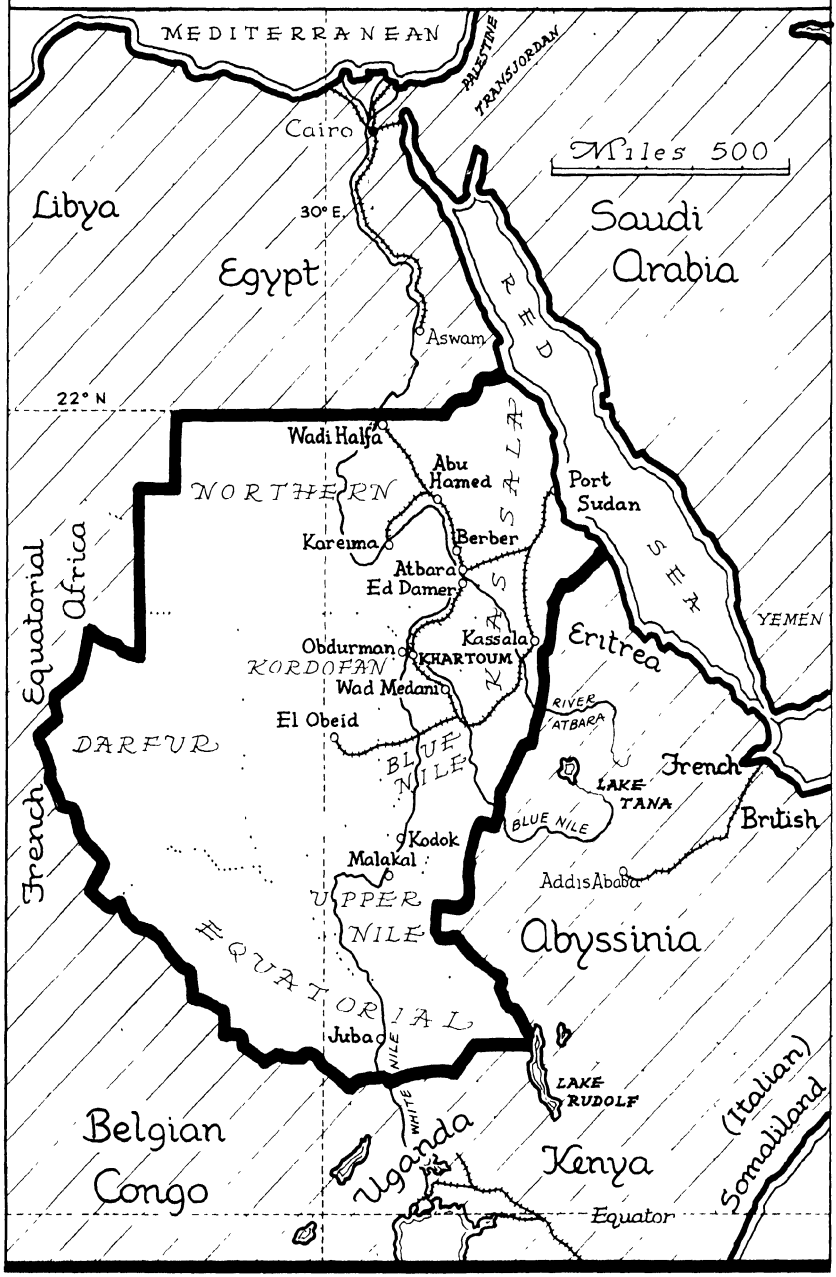
BACKGROUND

THE ANGLO-EGYPTIAN SUDAN is a vast territory of north-eastern Africa, extending almost from the northern Tropic to the Equator, and covering nearly a million square miles. It contains the greater part of the upper course of the Nile and its tributaries; this is not only the most important physiographical fact about the country, but also explains the part which it played in international rivalries after the British occupation of Egypt in 1882. It is sufficient here to recall that after its abandonment in 1885 as a result of the successful Dervish revolt against the authority of Egypt (itself under Turkish suzerainty), an extensive and then undefined area southwards along the course of the Nile and westwards from Abyssinia lay open to any power which could establish itself successfully in "effective occupation." Attempts by France to bring pressure to bear to force the British to evacuate Egypt included a bid to establish French authority in the rear, in the upper Nile Valley, and the British authorities in Egypt were therefore incited to undertake the reconquest of the Sudan from the north, a course which was further encouraged by the threat of a Dervish invasion of Egypt.

The overthrow of the Dervish power was finally accomplished by joint Anglo-Egyptian forces in 1898—just at the time when the Marchand expedition was reaching the Nile at Fashoda (now Kodok) —and by a Convention completed at Cairo in January, 1899, the Sudan became an Anglo-Egyptian condominium under joint British and Egyptian administration. The possibility that an unfriendly power in control of the Upper Nile might take action to divert or regulate the flow of water, to the ruin of Egypt—for the Nile *is* Egypt —had for centuries been a subject of dread to those in charge of the destinies of that country. The realization that it was fully within the capabilities of modern engineers to turn this possibility into fact by the construction of a system of dams underlay the French attempt to gain control of the upper reaches of the river; and considerations of the same nature are not without influence on the Egyptian attitude in the present-day dispute over the future of the Sudan.

Some ten times the size of the United Kingdom, the country has

Anglo-Egyptian Sudan



a population of seven and a half millions—about that of London! The overall density is therefore somewhere between seven and eight persons to the square mile—sparse population even on African standards—due to the climatic and other physical conditions of the country. These vary widely in the different parts of the country. The north, comprising more than three-quarters of the total area and roughly the same proportion of the total population, belongs by geographical situation, physiographical conditions and racial affinities of the population, to North Africa; but the three southern Provinces properly form part of Central Africa—swamp or tropical bush country inhabited by a medley of Nilotic or negroid tribes, differing widely between themselves in physical characteristics, language, religion and social customs, but alike in that they are all at a far lower initial level of culture than the Arab or Arabicized north.

Nor are conditions by any means uniform throughout the Northern Sudan itself. To the north is a large stretch of desert broken only by the narrow ribbon of the Nile Valley, and providing a very scanty living for hardworking cultivators along the river banks. Towards the east this country rises into the Red Sea Hills, a barren tract consisting of semi-desert or thorn bush and inhabited mainly by wild camel-owning nomads, while further south the frontier with Ethiopia skirts the foothills of the Abyssinian Highlands from which flow the great rivers of the Blue Nile and Atbara and their tributaries, watering country of the tropical savannah type. The most fertile, populous and economically advanced region is the Gezira Plain, stretching southward from Khartoum for about 200 miles in the triangle formed by the confluence of the Blue and White Niles. This area is partly covered by the irrigation scheme of the Sudan Plantations Syndicate based on the Sennar Dam, and is of great importance for the cotton which it produces. Westwards stretches savannah country of gum forests, inhabited by cattle- and camel-owning tribes. Looked at as a whole, the Northern Sudan is largely sandy and partly mountainous, with a variable rainfall which is heaviest in the south-east towards the Abyssinian plateau and diminishes towards the north and west until the desert regions are reached.

There are a number of large towns with populations of from 40,000 to 100,000—Khartoum, Omdurman, Wad Medani, El Obeid, Kassala, Atbara, Port Sudan—in which are to be found the comparatively small numbers of non-Sudanese (British, Egyptian, Greek, Syrian, etc.) not concerned with the administration of the country;

and there are also a number of smaller market towns, in which a fairly numerous class of merchants is a conspicuous element. Outside the larger towns the population is engaged in agricultural and pastoral activities and in petty trade; large-scale economic enterprises have been confined to the production of cotton and gum arabic, of which product the Sudan has virtually a world monopoly. There are no European settlers to complicate issues, no important mineral discoveries to attract foreigners, and few big native landowners, so that the country is at least free from some of the problems which beset other African territories. Obstacles to good government and sound development arise from the nature of the country itself, its enormous size and sparsity of population. In the Northern Sudan there exists the common bond of Islam and the Arabic language; and the tradition of central administration from Khartoum, which has existed in varying degree since the Turkish conquest in 1821, further tends towards unification. But in the South, where there is a welter of "pagan" religions and many distinct and mutually unintelligible languages—some of them spoken by tiny groups of people—even these aids to unity are lacking.

THE DEVELOPMENT OF LOCAL GOVERNMENT

At a first glance, therefore, it appears that the country is admirably suited to—and indeed cries aloud for—the development of a system of "local government" if by this is meant merely administrative decentralization. This, however, is something totally different, both in form and in spirit, from "local government" in the meaning which it bears in the present volume, i.e., local *self*-government. To the successful development of local government in this sense there are many obstacles in the Sudan. To realize the immensity of the task it is necessary to consider the principles on which local government in our meaning rests. The chief characteristic of a developed local government system is that it is based upon the sharing of a common burden by large numbers of people—whether they be councillors, electors or officials; it also presupposes the existence of public interest in the affairs of the community as a whole and a willingness to shoulder responsibility for the common benefit. Nowhere in the Near East, nor, indeed, the Arab world—for so long subject to the centralized (and usually corrupt) rule of the Turks—has such local government existed except perhaps among the immigrant Jewish communities of Palestine, who have brought with them the habits and traditions of their countries of origin.

These are considerations applying generally throughout the Arab world. In the Sudan there have been additional obstacles in the way of the development of a sound local government arising out of the immediate historical conditions. The Condominium Government took over the Sudan in 1898 when the country was in a state of complete collapse and bankruptcy, after years of intermittent strife and bloodshed. Famine and misery were widespread, human and economic resources severely depleted, social disintegration far advanced. In the early years of its existence it was as much as the Government could do to preserve peace and security, while at the same time it had to improvise quickly a workable administrative machine and build up services and resources with very meagre funds. In view of the immediate tasks neither time nor energy nor money could be spared for experiment in the field of local government, especially with such unpromising material.

At the outset, therefore, conditions necessitated a semi-military administration, carried on by a small number of British provincial governors and inspectors and a subordinate class of Egyptian administrative officials called "Mamurs." Regard was, however, paid wherever possible to local tradition; the territorial divisions of the country inherited from the period of Turkish rule were generally retained in the system of provinces which was set up, and within the provinces districts were demarcated to a certain extent on ethnic and economic lines. Where tribes were found to have an historical tradition of cohesion and hereditary leadership and to possess arrangements for settling their own internal affairs and disputes, such traditions were utilized in building up the administrative system. Thus the age-old Arab "meglis" (council) system was invoked where possible to mitigate the inevitable arbitrariness of government by alien officials.

As in other territories under direct rule, the first tentative steps in the direction of devolution of powers to indigenous authorities were in the judicial sphere, and were no doubt motivated less by the desire to strengthen these authorities than by the need to lessen the burden on the administrative officials. As early as 1914 local sheiks (chiefs) were allowed to deal with minor criminal offences, and further minor experiments in this direction were made during the 1914-18 war; but it was the Milner Report of 1921 which gave the lead and started the first formal steps towards local government. The Report recorded the conviction that the Sudan should be regarded as a country both separate and different from Egypt, showing great diversity within its own borders, and went on to

express the opinion that "though it is absolutely necessary for the present to maintain a single supreme authority over the whole Sudan, it is not desirable that the Government should be highly centralized." Having regard to its vast extent and the varied character of the inhabitants, the administration of its different parts should be left as far as possible in the hands of native authorities. A centralized bureaucracy is wholly unsuitable for the Sudan. Decentralization and the employment wherever possible of native agencies for the simple administrative needs of the country would make both for economy and efficiency. Economy, indeed, was an important consideration in view of the growing complexity of administration necessitated by the development of the country which was taking place, for the cost of a large-scale expansion of an expensive centralized bureaucracy was more than the Government could afford.

To the financial difficulty was added a political one; at the time the demands of the growing Nationalist movement in Egypt—now attaining to the status of an independent kingdom—were beginning to cause difficulty, and it was obviously necessary that the process of "Sudanizing" the subordinate administrative service (originally almost entirely Egyptian), which had been begun in 1915, should be speeded up. The difficulty of finding sufficient numbers of Sudanese suitable for the duties involved was an additional incentive towards a more systematic use of native authorities, intensified by the wholesale withdrawal in 1924 of the Egyptian Mamurs as a result of the troubles in Egyptian politics. This, too, was the time when the theory of indirect rule as expounded by Lord Lugard was being hailed with increasing enthusiasm, and the propagation of European conceptions and forms of government was being discouraged in favour of extensive use of indigenous forms and hereditary offices. The Sudan was well suited for the introduction of this system, for the Arab traditions were strong.

The building up of a system of Native Administration on lines which will by now be familiar to the reader was spread over a period covering roughly the years 1920 to 1935, the main achievement being identified with the tenure of office as Governor-General of Sir John Maffey, from 1926 to 1933. To allow for the wide variations in material conditions and in existing tribal organizations, the system was designedly elastic and the degree of progress achieved naturally varied considerably. The most prominent feature of the Native Administration system was the network of local courts set up under a series of enactments covering the years 1922 to 1932; these conferred progressively wider judicial powers on native authorities, first

on those of nomadic tribes—for here tribal loyalties and the authorities of the chiefs were strongest and the use of the government courts most difficult—and then on those of sedentary agricultural peoples, and the grant of these powers was followed by the informal vesting of varying degrees of administrative authority. The series of Ordinances from 1922 to 1932 permitted the establishment of courts of different grades, presided over by the tribal or sectional head, with jurisdiction in all but the most serious cases, and with provision for appeals to the highest grade of court in each area and thence to the District Commissioner, but no further. These courts try the great majority of cases, either under specific Ordinances mentioned in their warrants or according to local unwritten law and custom. Only in towns is there extensive use of the State's Penal Code, and in all large towns there are benches of Sudanese magistrates (on the lines of English Sessions) who try all minor offences.

The grant of informal administrative authority followed easily, and the policy of concentration and elimination of the smallest units proceeded on lines similar to those in other countries; the tribal system and traditions of the Arabs, the ability, dignity and sense of personal honour of most of their chiefs found expression in the system. Whilst certain families were recognized as hereditary rulers, there was amongst the Arab element a nearer approach to our own conception of democracy, as well as greater individual independence, than was to be found in the Negroes of the south, where tribal fragmentation had often gone to extreme limits and magico-religious considerations complicated the administrative issues.

Successful though the system undoubtedly proved within its own inherent limitations, it was inevitably suspect to the small but growing educated class for whom it provided little scope and who were becoming increasingly imbued with Western ideas of democracy, for the Native Administrations were undeniably autocratic in character and rooted in a static economy. The Government, however, never committed itself to a rigid policy of upholding traditional institutions unchanged in the face of changing circumstances. As time went on, the jurisdiction of Native Authorities, originally on a tribal basis, was gradually defined and restricted to conform with territorial limits—a process which was essential if there was to develop a modern local government system on sound lines. To mark this change of emphasis, and to dispel the prejudice which the term "Native Administration" aroused in the minds of the educated minority, the system was renamed "Local Administration."

In 1937 a new phase in the history of local government began;

in the era of general recovery after the slump of the early thirties—from which the public revenues of the Sudan in common with all primary producers suffered—the time seemed ripe for an overhaul and consolidation of all legislation covering the field of public health, public order and local administration, and at the same time it was desired to make provision for the legal devolution of formal administrative authority in certain of these matters. In that year, therefore, were passed three Local Government Ordinances, dealing respectively with Municipalities, Townships, and Rural Areas. These, together with their subsequent amendments and the legislative rules and orders passed under them, provide the legal framework for the present system. Together forming what is virtually a Local Government Code, they provide for the constitution throughout the country a network of "Local Government Authorities" exercising powers delegated by warrant from the Governor-General; and the Local Government Authority may, by the terms of these laws, be either a single person or a body of persons. In this last provision lies the germ of future development, for it makes possible the granting of local government powers not only to the former Native or Local Administration heads, but also to Local Government Councils.

LOCAL GOVERNMENT TO-DAY

Urban Areas

The towns of the Sudan are classified into three groups: Municipalities, Townships and Urban Areas. The Municipalities are "all purpose" authorities; the Townships and Urban Areas differ from one another only in size, and are both Minor Authorities within the framework of a Major District Council. There are five Municipalities —Khartoum, Omdurman, Khartoum North, Atbara and Port Sudan —nine Townships and three Urban Areas. The remainder, in more backward areas, are administered directly by an officer of the administrative service as Local Government Authority, usually with the help of an advisory committee of Sudanese, or by the Local Authority of the surrounding Rural Area. There remain the rural agglomerations where a mixed trader class of cosmopolitan origins may have congregated. These do not fall into any tribal framework, and it is argued that they should be eligible for the grant of township status, in much the same way as in England application can be made for the status of borough or urban district.

Each Council is constituted by separate Warrant, thus allowing for minor modifications to suit local circumstances, but the typical Council consists of from fourteen to sixteen members, of whom one-quarter or one-third are nominated by the Governor of the Province to represent important local interests (e.g., the Sudan Chamber of Commerce), and the remainder officially appointed by the Governor following elections. The anomaly of "appointment after election" has now been recognized and is to be eliminated. These elected members must be Sudanese of the age of 30 or over, and they are elected for two or three years, retiring in rotation. Owing to the fact that the great majority of educated Sudanese are in Government service, and in view of the importance of associating the educated element with local government to an increasing degree, it has been necessary to permit serving Sudanese officials to stand for election if they possess the necessary residential qualifications, in spite of the obvious undesirability of such a practice on the grounds of general principle. Elections are held on the ward system, and the franchise is restricted to owners or occupiers of premises ranging from £E.3.600 m/ms. to £E.6* in annual rental value. Detailed figures of the local electorates are not available, but the effect of the qualification is to enfranchise about 30% of the adult male population. Women are debarred from voting, and all participation, because of Moslem prejudice, and anyway, few would possess the necessary qualification in their own right.

In view of the importance of the character and ability of the Chairman of a Municipal or Township Council during the early years of its existence, and of securing continuity with the preceding District administration, it is the usual practice for the District Commissioner to be made Chairman, but some Councils, including those of Khartoum and Omdurman municipalities, have already been given power to elect their own President, and elsewhere the Vice-President may be so chosen. Each Council has an Executive Officer to carry out the decisions of the Council and to supervise day-to-day administration; and since for these important officials there is no assured source of supply outside the ranks of the administrative service, the Government seconds certain of its officers for the work. Other technical and professional officials are, up to now, mostly supplied by secondment, or on loan from Government Departments, which provide half the cost of their salaries; but the Councils are entirely responsible for the recruitment, control and pay of subordinate staff.

* £E.1 is approximately equivalent to £1 0s. 6d., and is divided into 1,000 m/ms.

The Municipalities and Townships Ordinances provide for the making of temporary local orders and the issue of regulations on a variety of subjects covering the whole field of public order, health, safety and welfare generally, including such matters as town planning, sanitation, refuse disposal, fire prevention, licensing of petty trades, inspection of food, etc. These powers, however, are not conferred directly upon Local Authorities, but on the Governors of the Provinces, who may be authorized by warrant of the Governor-General to delegate such of the powers as are specified in each instance to Local Authorities within their provinces. Thus any subject, as desired, may be reserved for the sole action of the Central Administration until such time as it may be considered suitable for the Local Authorities to take charge. Town planning has been so "reserved," but with this exception—Municipal and Township Councils have been given full bye-law powers, subject, of course, to the ultimate control of Government. The Ordinances also confer power on Government to make standard regulations for Municipalities and Townships; this has been done, and the regulations, with slight modifications, are automatically applicable to all townships unless they deliberately opt out.

Municipal and town councils all enjoy financial independence, with sources of revenue transferred from the Central Government and defined spheres of expenditure. The revenues comprise general rates on property, education and sanitation rates, local licence fees and market dues, while the expenditure is mostly on public health and sanitation, roads, public buildings, gardens, and street lighting. Overriding financial control, through the submission of annual estimates, etc., is, of course, exercised by Government. In 1949, there were seventeen towns and municipalities with independent budgets with a total revenue of £E.435,000 and a total expenditure of £E.394,000, leaving a surplus to be carried to reserves of £E.41,000. About 60% of the expenditure was on personnel and 40% on services. At present, councils do not actually control education except for a few sub-elementary schools and subventions to Koranic schools. But with the keen public interest in education it is the policy to hand over at least some measure of control of elementary education, though the question of staffing and standards would seem to necessitate continuing Government interest, and the heavy financial burden would require grants-in-aid. So far there are no trading or public utility services connected with municipal or town councils, but the stage of raising loans to finance development is just being reached. Though an internal loan would be unlikely to succeed and

it would be undesirable, if it were possible, to add to the country's external debt, it is possible that the Government will be able to finance such a loan. Provision for development has, however, been made in the Government's post-war scheme.

Rural Areas

Outside the municipalities and townships, the Sudan is now covered by the network of Local Authorities constituted under the Rural Areas Ordinance, but within the legal framework a wide variation in circumstances has to be accommodated. There are three distinct types of Local Authority at the present time. Firstly, in very backward areas, where owing to the small numbers or the low material and cultural level of tribes no indigenous Authority is responsible for a large enough area or is of adequate competence, the District Commissioner is himself the Local Government Authority, working as far as possible through such Native Authorities as exist. This is notably the case in the three southern Provinces of Equatoria, Bahr el Ghazal and Upper Nile, where the material difficulties have greatly hampered development and devolution has in most cases not progressed beyond the early phases of Native Administration, itself the first stage on the long upward climb. The second, and most common, type of Local Authority is identical with the authority functioning under the previous Local Administration system, i.e., the paramount chief of a tribe or confederacy or large area; here there must obviously be wide differences in the extent to which the nominal Local Authority actually exercises independent initiative, and in many cases the tutelary influence of the District Commissioner in the background must be considerable. Thirdly, a beginning has been made in those areas where conditions are favourable with the constitution of Rural District Councils as Local Authorities; the members are directly elected by ballot, indirectly elected by electoral colleges, or nominated by the Government after local consultation. The method of direct election by ballot is not introduced until the people understand the use of the vote, but in the interim every kind of experiment to ascertain the most suitable methods of securing the best representatives of the people is being carried out.

To allow for variations in conditions over the enormous area covered by the network of Rural Local Authorities, the Ordinance is simpler and more elastic than those governing the urban areas, and is necessarily concerned with different problems. Local Authorities are empowered to make, either on their own initiative or at the

direction of the Governor, local orders on a range of specified subjects of rural interest, such as the control of cultivation, grazing, hunting, timber-cutting, the control of agricultural and other pests, fire prevention; and, with the consent of the Governor, on such matters as the orderly planning, sanitation and cleanliness of villages and markets, the establishment and control of pounds, slaughtering-places, etc., the prevention of water pollution, and the control and licensing of petty trades and occupations. Provision is made for the application by local order of any of the standard regulations for towns, so as to enforce a common standard in certain matters, such as the control of offensive trades and the manufacture and sale of foodstuffs, as between town and country. Rural Authorities have also inherited from Native or Local Administration a certain responsibility for justice and public security; they are charged with the preservation of public order, the apprehension of offenders, etc., and the salaries of Native Court members together with expenditure on construction and upkeep of Court Houses are met from their funds.

In the case of many authorities, the judiciary and the executive are identical (since the whole system of local administration has developed from the original devolution of judicial powers to Native Authorities), but in some more advanced areas a beginning has already been made with the separation of the judicial from the executive authority. Such public services as exist in most Rural Areas (e.g., medicine, education, communications, buildings, etc.) continue to be provided by the Central Government and are therefore under its direction; in the case of the first and second types of Local Authority listed above no technical or professional staff is therefore employed, the Authority himself being the chief executive officer and the staff being limited to native retainers who combine the functions of police and messengers, court attendants and the like. But in the case of Local Government Councils, which are beginning to take over the running of certain services on their own account, provision is made for the employment of executive and technical officers either direct or seconded by Government.

Under the old Native Administration system few Native Authorities received any degree of financial independence; responsibility was limited to the monthly payment of salaries to chiefs, Court members, and retainers according to a list determined by the administrative authorities, and Authorities were also entrusted first with the collection, and then, under supervision, also with the assessment of direct taxes required by the Government, such as those on animals

and crops. From 1928 onwards, however, experiments were made in the areas where conditions were favourable; one or two tribal heads were given independent budgets covering the expenses of their staff and some minor services and financed from the proceeds of certain taxes and licence fees within their areas of jurisdiction. But even here very strict central control was maintained, little experiment was permitted (though it should be added that little appeared to be desired) and surplus funds, instead of accruing to the credit of the Authority concerned, were paid into the general revenues.

The attempt to create a comprehensive local government system on lines closer to Western practice, which found legal expression in the 1937 legislation necessarily involved a more liberal Government attitude towards financial devolution, and a Finance Department Circular of 1938 laid down principles for local budgets. By 1949 thirty-three rural local administrations (including twenty-six Local Government Councils) had been given independent budgets ranging from £E.6,000 to £E.105,000 a year; and roughly two-thirds of the revenue is to be allotted to local expenditure, the remainder to form a contribution to central funds to pay for personnel and services still supplied by Government Departments. To-day, the direct central control of local finances continues only in the most backward Rural Areas; elsewhere Local Administrations and Local Government Councils are being increasingly granted budgetary independence, subject to the final and over-riding control of Government.

Revenue is drawn from charges for specific local services such as markets, ferries, pounds, slaughtering-places, lighting and cleaning, from certain Court fees and fines, licence fees, etc., and also from certain direct taxes, such as those on cattle and crops, which Government assigns to the Authorities. As regards expenditure, the block contribution to general revenue in payment for centrally provided services remains in force; expenditure on locally provided services is not large, since these are so far on a small scale, and the bulk of what is spent locally goes on personnel charges—salaries of tribal leaders, Court members, retainers and staff administering revenue producing items like markets. There is usually a considerable surplus, from which Authorities are encouraged to build reserves for contingencies and development; they are also encouraged to seek new local sources of revenue with which to finance extensions of their services.

It is intended that development of local responsibility shall take place by stages, the first of which should be the evaluation of that part of the work of the Central Departments in a Local Authority's

area which the Authority could take over, followed by provision in the local budget for this work (subject to Government approval) and the payment of contributions to the various Departments concerned in accordance with their services provided by them, in place of the present unallocated block contribution. The last stage will, of course, be the complete taking over of some services by Authorities themselves; but before that time the whole question of the relationship between central and local finance will have to be worked out in detail, since clearly the purely local resources at the disposal of most of the Authorities will not be sufficiently large to enable them to dispense with aid in some form from the Central Government. In 1949, when the number of Rural Areas with independent budgets had grown to thirty-three (comprising twenty-six Local Government Councils with warrants or just about to receive warrants and seven Local Administrations which had not yet attained that status), the total of their revenue amounted to £E.888,000, and the total expenditure to £E.521,000, of which roughly 81% was allotted to personnel and 19% to services. The contribution to Central Government amounted to £E.263,000—equal to half the total expenditure undertaken by the authorities on their own account and roughly 30% of the total revenue—and the surplus carried to reserves was £E.104,000.

From the foregoing description it will be seen that local government in the Sudan is in the transitional stage between "Native Administration" as it is generally understood and practised in African territories—that is, a system under which native chiefs are upheld and indigenous tribal systems kept alive by the support of Government, exercising varying degrees of independent authority under the watchful eyes of the administrative officers—and a system on the "Western" model with a network of local authorities of independent legal status and based on popular representation.

It is the Government's declared policy to press on with the system of transfer of powers in an endeavour, firstly, to establish through the local government system a strong administrative framework, with equal opportunity for town and country dwellers alike, against the day when the influence of British administrators is withdrawn, and secondly, through the encouragement of popular participation in the tasks of local self-government, to provide a training for self-government at the centre. So far the importance of these developments appears to have been obscured for the majority of the educated Sudanese and the vernacular Press by the burning nationalist question. Nevertheless, the opportunities

which the new councils' system offers to this class both in town and country, whether as officials or as citizens, to put their abilities at the disposal of their fellows and to make the institutions a success in preparation for the transfer of greater responsibilities, are beginning to be realized.

On the other hand, it must be observed that there has been little attempt to publicize or inculcate an understanding of this "modern" form of government; even Government officials (British as well as Sudanese) have no great knowledge or experience of local government methods in other countries, and in typically British fashion the legal framework is being filled out by *ad hoc* experiment and the creation of precedent, for which justification may be found in the novelty of the whole design and the variety of the material. Furthermore, in many ways the old institutions remain unchanged as to outward appearances, the change is really one of the direction in which they are moving—or perhaps one should rather say the change is that they are moving in any direction at all. In the rural areas the great majority of Authorities are still the hereditary or semi-hereditary chiefs, by and large holding the confidence of the people, and judicial and executive powers are both still exercised by these tribal leaders on a semi-autocratic footing, mitigated only by the association with them in varying degrees of influence of traditional councils of tribal elders. The modern council system is already beginning to develop faster than might have been expected, concurrently with the increasing demand for modern services which is bound to accompany the spread of education and economic development.

A problem which will press for solution with the spread of the council system is the method of selecting representatives. Direct appointment by Government is obviously undesirable except in the early stages, when it is inevitable, yet election is likely to throw up its own difficulties in the rural areas, where the percentage of literacy is extremely low. Nor does the example in this respect of the towns, where the elective system is in force, inspire any great confidence, for elections have sometimes been influenced by considerations other than the desirability of securing the best possible representation. There is as yet in the towns little community sense, however; and since this may reasonably be expected to be more strongly developed in small rural units, the example of the towns need not be taken too seriously. It has been suggested that the best practicable system in the rural areas would be indirect election through electoral colleges formed of representatives drawn from individual villages

or groups of villages, although this raises other difficulties discussed in Chapter 13.

VILLAGE COUNCILS

Reference to the possible use of the village as a subordinate unit in the local government system in rural areas leads on to the consideration of the first of two further developments in local government which are of considerable importance. This is the setting up of Village Councils in the Gezira area, where agriculture—notably the production of cotton—has been intensively developed under irrigation by the Sudan Plantations Syndicate. These Councils were inaugurated experimentally only a few years ago as a means of associating the cultivators with the routine work of the company inspectors, but their spread throughout the area has been very rapid. Each Council is appointed for a village or for a closely knit group of villages, and consists of about six persons appointed by the District Commissioner after consultation with the villagers and local headmen, or sheiks. On the agricultural side the Council, working through an agent, assumes responsibility for promoting good cultivation under the supervision of the company inspector, and it can punish agricultural offences by petty fine; on the administrative side it promotes village welfare by arranging for the cleaning of the village, the protection of watering-places from pollution, the appointment of watchmen, and similar matters. It may also pass resolutions which define or regulate local custom, on such subjects as the cost of marriages, conduct at funerals, etc.

These Councils have as yet no statutory authority and such funds as they dispose of, for instance, for the payment of watchmen, can only be collected by general agreement; but they seem to offer excellent opportunities for self-help and "social betterment" at the level where it is most needed and which tends to be least affected by political reform, and—what is perhaps even more important—they can provide an unrivalled schooling in co-operation for social purposes. They may also afford a basis for popular representation in higher councils through the method of indirect election, and may perhaps even be integrated with the existing local government system as executive units exercising powers delegated from the higher councils. A recent survey has revealed that some Rural District Councils are proving unwieldy in operation, and it has been suggested that what is needed is to convert this type of Council into something closely resembling the English County Council, while executive authority over a defined field should be vested in smaller

units. If such a system should be adopted, Village Councils would come into their own as an integral part of the local government structure, and a decision will have to be taken as to whether they could continue at the same time their agricultural functions.

PROVINCIAL COUNCILS

The second of the new developments has been the constitution of Province Councils in all the nine Provinces under the Ordinance of 1943. The Councils of the six Northern Provinces up to 1948 were extended in the Advisory Council for the Northern Sudan—the embryo of the responsible government at the centre—to which each Council sent three of its members. The Advisory Council for the Northern Sudan gave way to the Legislative Assembly at the end of 1948, and direct connection between the Northern Province Councils and the Assembly was then severed. In the South, however, the three Province Councils are being temporarily used as electoral colleges to elect members to the Assembly representing the Southern Constituencies. Each of these Province Councils has a membership of about sixteen, of which at least half must consist of persons who are members of, or who are themselves, Local Authorities, either urban or rural, the complement being made up by persons nominated by the Governor of the Province to represent social and agricultural interests. The Councils meet under the presidency of the Governor about twice a year; their statutory function is "to advise the Governor as to the carrying out of his powers and duties as the supervising and co-ordinating authority and otherwise under the Local Government Legislation." As yet they have no financial or executive powers, but the Ordinance makes provision for the delegation, by warrant from the Governor-General, of all or any of the Governor's powers under the Local Government Legislation. In addition, the Councils may be called upon to advise the Governor on any other matter which he may desire to refer to them, and in point of fact a wide variety of topics, such as public security, transport, education schemes and, laterly, demobilization is discussed.

The future of the Councils is still a matter of conjecture. It has become increasingly clear after some years of experiment that if local people are to take an active part in their own local self-government, the units of that government must be kept reasonably small, in terms of population, say, not larger than 30,000. Yet certain services, notably education and medicine, are best devised for fairly

large areas, and it seems that the best system may well prove to be that of a series of rural and urban (for small market towns, etc.) districts comprised within a larger "county" council for a larger area, equivalent to the present administrative districts or even smaller. Each would be an independent authority within its own sphere, though the "county" council might delegate execution of certain of its duties to the smaller councils. In this way there would also be a better opportunity to equalize financial burdens and benefits over a wide area. The province, on the other hand, covers such a large area that there is little sense of community and any executive powers would have to be in the hands of bureaucratic officials for long periods between meetings of Province Councils. Moreover, it is highly desirable to keep the financial structure of the Government as simple as possible by avoiding a hierarchy of local budgets, the lesser being dependent on the greater. If there should prove a need for some form of regional legislatures for the four quarters of the country, to counteract possibilities of excessive bureaucratic government from far-off Khartoum, the Province Council might prove a convenient starting-point. But these speculations belong to the realm of central government, and as far as local government is concerned the Province Councils appear likely to remain as purely advisory and co-ordinating bodies. (The great question of the relation between major and minor councils, and the problem of the pyramidal versus the horizontal structure in local government, which is germane at this point, is discussed in Chapter 13.)

THE FUTURE

Although ten years have elapsed since the enactment of the legislation which inaugurated the present system of local government, it is as yet difficult to assess the degree of success which it has so far attained, for the real development has taken place only during the years since 1942, under abnormal economic conditions and in face of wartime shortages of buildings, plant and staff. In general it appears to be working satisfactorily, and there seems to be growing up that community spirit without which no real local self-government is possible. The vexed question of representation may be solved by the use of indirect election coupled with intensive educative propaganda. Perhaps the greatest obstacle to the development of a sound system of local government is the deplorably low taxable capacity of the people; according to the latest available figures, local revenue in Khartoum amounts to just under £E.2 per head of the

population, in Omdurman to Pt.25 (5 shillings), and in other provincial towns to about Pt.55 (11 shillings), and in most provincial towns to under Pt.50 (10 shillings), while in the rural areas it is, of course, far less.

Whether this state of affairs is due to the need for far more intensive economic development of the country, or whether development is in fact nearing the limits imposed by physical conditions, which doom the people of the Sudan to a standard of living permanently below that which has been attained in the more favoured countries of the temperate regions, is a question which must be left to experts.* It is, in any case, sufficiently obvious that local authorities must work within a situation defined for them by external circumstances; neverthelsss, in partnership with the central administration keen and energetic authorities can, once the proper relation between central and local finance has been worked out, make a vital contribution to the general well-being by the provision or extension of services such as sanitation, medical aid, etc. And with all the difficulties encountered, the dangers involved and the faults committed, the system now growing up in the Sudan does answer the cry inevitably raised by the educated class of every "new" country for "democracy," as the more static Native Administration systems can never do. It is to be hoped that when the British administrators finally leave the country, it will be found that along with the British forms they have implanted in local government something of the sense of duty and public spirit, of local pride and initiative, which has been of such benefit, locally and nationally, to this country.

* Under the five-year plan for postwar development £11 millions is to be made available, chiefly for agricultural projects—for instance, a scheme for the large-scale production of groundnuts similar to that now being put into operation in Tanganyika and Kenya is being investigated; also much greater attention is to be paid to the development of the southern Provinces, which are well suited to the growing of such cash crops as sugar and coffee, and where some of the country's most energetic and intelligent peoples are to be found; nor are secondary processing industries, such as meat canning, to be neglected.

PART THREE

REVIEW AND PROBLEMS ARISING

CHAPTER XII

GENERAL REVIEW

THE PRECEDING CHAPTERS have given us a detailed account of the history, development, and present position of local government in a number of territories under British control. We began with Colonies which have been under the British flag for many years—even centuries; Jamaica, which has been in British possession since 1655; British Guiana, which became an administrative unit under British government in 1831, after a long period of Dutch occupation; and Mauritius, occupied by the Dutch in 1598, by the French in 1715, and by the British since 1815. These are, therefore territories with a long tradition of settlement and of contact with European civilization. They have long had established forms of central government, and the framework of a local government system, modelled on European concepts.

Our description then took us over to the west coast of Africa—to the Gold Coast, which has a history of European contacts longer than that of any African territory south of the Sahara. Before the beginning of the nineteenth century, trading posts had been established on the coast by the merchants of six European powers. But it was not until 1843 that the British Crown finally took over control from a merchant company and assumed direct responsibility for the British settlements there; and only in 1872 did the British control the whole of the area.

We then turned to East Africa, with a still younger history of contact with European civilization. In Kenya, British contact dates from the latter half of the nineteenth century, and a Protectorate was declared only in 1890. It was, indeed, not until 1905 that the Protectorate passed under the control of the Colonial Office and a framework of colonial administration was established. Tanganyika, next door, came under British control only after the 1914-18 war, when it was conquered from the Germans who had occupied it since the end of the nineteenth century.

From East Africa we passed to the Protectorate of Northern Rhodesia in Central Africa. The first continuous contact with European civilization here was when the British South Africa Company undertook the administration of these lands in 1894. But it was only

in 1924 that the Crown assumed direct responsibility and the process of political stabilization was inaugurated.

Finally we turned to the Anglo-Egyptian Sudan—a country not strictly a Colony, but sharing many of the features of other African territories. It is of special interest in this particular survey, in that its history has been very different from that of Tropical Africa, and its administration under the Condominium with Egypt has not been subject to the Colonial Office. The historical difference comes from the connection of the Sudan with Egypt and the Turkish Empire. Except in the south there is a common bond of Islam and the Arabian language, and a tradition of central administration from Khartoum. The administrative difference means that a different set of minds have been working on the problems of the Sudan, from those dealing with the rest of Africa, and it might be of interest to compare results.

As might have been expected from these varying histories, local government presents a very different picture in Jamaica, British Guiana and Mauritius, from what it does anywhere in Africa. It is not only that the actual length of time in which British influence could make itself felt has been so much longer, but in the West Indies and in a territory like Mauritius, there is no dominant indigenous population, with its own institutions. Institutions have had to be created by the Central Government from scratch, and it was natural that they should be shaped on a model which the administrators knew from their homelands. In Africa, on the other hand, the population was there well established, often with a complicated political system of its own, when the Europeans arrived. The areas coming under control were enormous, and it was inevitable that existing dignatories and already established institutions should be used as the agents of central control.

In spite of these obvious differences, leading to inevitable variations in the pattern of local government which has been evolved, there are certain striking similarities in the development, which, in each Colony, bears resemblance to the others; and also has some similarity with the general trend in Britain itself. In all these lands local government first took the form of agencies of the Central Government.* The idea of local initiative and responsibility did not exist. In Britain, local authorities were not agencies in the same

* As regards Africa, where indirect rule was applied, Native Authorities had, of course, other political functions. They were regarded as representative of their people in relation to the Central Government, and in some areas even retained the elements of sovereignty, e.g., the Emirates of N. Nigeria. We refer here to local government functions in the narrow sense.

way, but they had very restricted functions. As we described in our chapter on local government in England, in the 200 years before the period of great administrative reform beginning in the 1830s, the prevailing idea was that the local authority was a "unit of obligation" whose task it was to perform certain services laid down by the Central Government. The Government would pass laws requiring the parishes to appoint persons who would be responsible for the administration of these services, and every man was obliged by law to play his part without reward. There was no idea of the local authority exercising its own initiative or mobilizing local enthusiasm.

Only later, when the new towns took shape during the industrial revolution, did local initiative come to the fore. Political consciousness was deepening, and the new interest in municipal affairs was the counterpart of the spreading political movements which found expression in Parliamentary reform. Groups of influential citizens asked Parliament for special powers to control paving, lighting and draining of the streets, to prevent crime, and so on. Out of this grew the demand for municipal reform which resulted in the Municipal Corporations Act of 1835. This Act provided the legal basis for the work of local councils, and on this foundation the conception of local responsibility was slowly built up—with its corollaries of elections to the councils, the assumption of more and more powers, and the spread of municipal enterprise. At the same time the functions of the Central Government in respect of social services for every citizen were expanding. At first the local authorities were not used to implement the new services and special School Boards, Boards of Guardians and so on were created. It was not until the end of the nineteenth century that these special bodies were integrated into the local authorities—which had recently been reformed and larger units of administration created—and the multi-purpose or omnibus local authority was created. In order, then to ensure that every local authority kept up to a good standard of performance, more and more central control was introduced. Indeed, it is true to say that the powers of the Central Government have increased hand in hand with the powers of local authorities, as the State has taken on the shape of "the welfare State."

Naturally enough, things are not yet so advanced in the Colonies, whether we look at the Colonies of old settlement or those of more recent control in Africa. Everywhere the local units of administration have—as far as their local government functions are concerned—begun as agencies of the Central Government. A few essential

services were delegated to them, and individuals appointed to carry them out. Gradually, as the idea of developing local responsibility took root, attempts have been made to broaden the basis of representation, the democratic element in these local bodies, and to devolve on them increasing powers and functions. In recent years the concept of the "welfare State" has begun to penetrate from Britain into colonial administration. And the problem arises, just as it has done in Britain, whether the old units of local government are adequate for carrying out the many new functions which the Central Government finds it necessary to maintain and would like to devolve on the local authorities. There arises, then, the question of stricter central control side by side with the devolution of greater powers to the authorities on the periphery. There is also the problem of reorganizing the areas of local government, so as to make them effective units for finance and administration. In Britain we are still grappling with this question. We are still not sure whether the County Councils and County Boroughs are effective units—some of them definitely are not—and many desirable reforms are still being held up by historical considerations. And if this is so in Britain, it is not surprising to find that in many Colonies we are not yet beyond the stage of groping for *any* form of responsible local body, representing—in some degree democratically—the local populations. We are only on the very threshold of the problem of devolving to them the many social service functions of the modern State, which, in fact, even the Central Governments in the Colonies are only just beginning to recognize as an obligation.

This is a very general statement of local government problems in the Colonies. If all Colonies had the social structure of the West Indies and Mauritius, there might not be a great deal more to add. But Africa—as has already been suggested in different parts of this study—poses very special problems of its own. It becomes a matter of trying to weld indigenous institutions, which grew out of a particular pattern of social relationships, into a shape suitable for meeting the needs of an entirely different pattern and concept of society. Under such conditions even the very words in use take on unsuitable meanings. We have referred to "rural" and "urban" areas in Africa—yet the "rural" would be better described as "tribal" (coherent communities with a traditional social unity); and the "urban" is just a mob aggregate which has come together by chance, with no social unity at all.

In order to create efficient tribal Authorities for carrying out modern conceptions of local Government functions, British policy

has followed two clear lines—it has either used the traditional native institutions, or else it has artificially created Native Councils. Usually the traditional councils have proved adaptable at the lower tribal level; but in almost all territories, when it comes to creating machinery at the district or provincial level, specially created Councils have to be grafted on to the traditional structure beneath them. But whether the Council is traditional or artificial, there has been an increasing recognition of the need to make it as representative as possible. In the created councils more and more efforts are being made to bring in the progressive, the educated element. This is not always easy. The educated African does not always believe that the traditional machinery has any further use—he may be in favour of entirely new institutions on the Western model. There is, among educated Africans, a strong cleavage of opinion on this point, which has not yet been resolved. British policy, which built so much on the chiefs and their institutions, has to-day become self-critical on the wisdom of this attitude. It is one of the big political problems facing African society.

The traditional machinery does, of course, break down in the towns, where members of a variety of tribes may mix together without social cohesion. If the towns are purely native cities of long standing—such as are well established in parts of West Africa—the tribal authorities can continue to rule, but mostly the town populations are very mixed, and municipalities on the European pattern have been developed. In the European urban centres of East and Central Africa the line of advance is through the creation of African Urban Advisory Councils, the representation of these Councils on the Native Affairs Committees of the town, and—gradually—direct African membership on the town authority itself (as is now the case in Nairobi).

There is one peculiar feature of local government in Africa which our descriptive chapters revealed. In all territories, local government institutions have been used as the basis of representation on higher political bodies—right up to the Legislative Councils. This has been achieved through the pyramid structure of electoral colleges—the tribal unit elects its representative to the District Council; the District Council to the Provincial; the Provincial to the Territorial; and the Territorial to the Legislative Assembly. The pattern varies, but in some degree it exists throughout all the African Colonies, and has no counterpart in other British territories or in Britain itself.

Let us now review the situation, as it is at present, in the eight

territories with which we have dealt. In Jamaica there is the municipality of Kingston, with a council now elected on adult suffrage. The council has certain powers for the good government of its area, but many services which should be within its province are carried out by the Central Government. There is no clear demarcation of functions between the central and local government, and there is no fixed formula for government grants-in-aid, with the result that local government shows no initiative and is inadequately financed. There are twelve Parochial Boards with elected members (also now elected on an adult suffrage), but the areas they cover are uneconomical; and they suffer from limited and unclearly defined powers and finances . The spirit of local responsibility is still in its infancy. Since the Hill Report a special Division of the Secretariat to deal with local government affairs has been created, and there are now hopes of considerable improvements.

In British Guiana, the towns of Georgetown and New Amsterdam have municipal councils, with a majority of elected councillors, and the usual limited functions of maintaining streets, drainage, markets, lighting, etc., and making bye-laws for public order. There is also a network of local authorities covering the countryside—village councils with a majority of elected members; less important Country Authorities with appointed members, and still smaller rural districts, which are controlled by a central body in Georgetown—the Local Government Board. This Board, with ten official and nominated members, has powers of control over all local authorities—it makes appointments, controls dismissals, supervises wages, raises loans, and may "act in default," where the local authority is inefficient. The system as a whole is fairly advanced in British Guiana, and has been more successful than elsewhere in the West Indies, with a framework ready for assuming new responsibility.

Mauritius is much less developed in this respect. Port Louis has had a municipality, with a council of twelve members elected on a male franchise with a property qualification. It appears to work thoroughly unsatisfactorily. Health and sanitary arrangements are deplorable; there is no proper inspection from the centre; there is no satisfactory audit; no committee system; and the executive work appears to fall largely on the mayor. There are also three townships in Mauritius, with Boards of Commissioners, nominated by the Governor, with inadequate financial resources, and an unsatisfactory Government grant. There have been recent proposals to extend the franchise, to introduce the elective principle in the townships, to appoint full-time officials, and to overhaul the system of Govern-

ment grants. Until very recently there was practically no local administration in the rural areas, and conditions were extremely bad. For this, the rather paternal system of regional officers, assisted by nominated village advisory councils, was proposed (and has begun to be operated) until the bad conditions were put under control. Indeed, so unsatisfactory have conditions generally been that even for the municipality of Port Louis it has been proposed to add nominated members, the purely elected council having so signally failed in its duties.

In the Gold Coast there are now four town councils, with a majority of elected Africans, chosen on a wide franchise. In the rural areas the Native Authority system is of very recent growth. The beginning, in the Northern Territories, dates from 1932, when Native Authorities were appointed by the Governor and assigned special powers by the Government. They control Native courts and Native Treasuries, and in 1936 the first direct tax was paid into these Treasuries. The Native Authorities are showing increasing interest in education, sanitation, water supplies, etc., but they are still closely under central control. Officials can require the issue of any order, they can cancel any order, or "act in default." In Ashanti Native Authorities were established only in 1935—there are divisional chiefs with their councils, and a Confederacy Council consisting of head chiefs at the centre. There are Native Courts and Treasuries, and a growing interest in developing education and other social services, to which the Government gives grants-in-aid. Public audit has been approved, and the appointment of officers is subject to official approval.

In the Gold Coast Colony the separate "States" under chiefs had more rights than elsewhere, and the decision to appoint Treasuries was in their own hands. There was grave maladministration as a result, Native Treasuries were often not created, money mishandled and services neglected. In 1939 the Governor took power to enforce the setting up of Treasuries and to "act in default" and a direct tax was sanctioned. The system, however, continued to be unsatisfactory, and was further improved in 1944. To-day every Native Authority must appoint a finance committee and a treasurer subject to the approval of the District Commissioner, who can "act in default." An annual rate may be imposed, with the approval of the Governor, and grants-in-aid are made available from the central administration.

In Kenya an entirely different system of local government has developed in the settled areas with their European and Asiatic

populations, from that which has been found feasible in the African rural areas. There is a European system—a modern system of municipalities and municipal boards, with a certain number of elected representatives (divided out on a communal basis—in Nairobi there are now two African members, and African Urban Advisory Councils have been created in a number of places) exercising limited functions and powers of finance, with a greater or lesser degree of success. In the countryside there are seven District Councils manned largely by European elected members, with powers of road maintenance, schools, bye-laws, etc. They have small revenues, because they have not exercised their rating powers, and have done little to use the functions given them. These councils are strictly under central control.

The African system of local government in the countryside is different in Kenya from most other British African Colonies. It is not built on the system of indirect rule. Headmen or chiefs, with no hereditary claim, were appointed as agents of the Central Government, and paid salaries. They did not necessarily have councils to advise them, and in fact formed a subordinate administrative service. More recently local Native Councils have been formed on a more democratic basis—in 1945 twenty-six of these councils were in existence. They have their own Treasuries, direct taxes and other sources of revenue, and are assuming increasingly the responsibility of local government—they are not tied up with the old method of Native Administration through Headmen, nor with indigenous institutions, but are artificial creations.

In Tanganyika the traditional organization has continued to exist, and the system of Native Authorities, as developed in West Africa, has been applied. Since 1926 executive powers have been handed over to Native Authorities, subject to the supervision of administrative officers with power to "act in default." The chiefs here are usually hereditary, but are approved by the Government after selection by the people. There are Native courts attached to the Native Authorities. These work successfully as they follow in the old traditions; but the newer Native Treasuries are still groping. There is Government financial aid, and an increasing desire to transfer powers, but initiative seems to depend on the administrative officers. Recently there has been a move towards the amalgamation or federation of units in certain areas. The Sukumaland Federation has brought in about 750,000 people, under a federal council, with a number of elected members, and there is also a central Chagga Council, with a number of directly elected members, but it is not

yet clear how these large units fit in—if at all—with the local government framework. There are few towns in Tanganyika and no municipalities as yet. The township authorities are still nominated and are under the presidency of administrative officials.

In Northern Rhodesia there was first direct rule under the British South Africa Company, but in 1929 indirect rule was introduced, and a legal status given to chiefs in their executive and judicial capacities. As in Tanganyika, the judicial function, which was traditional, was more successful. No financial basis for the operation of the authorities was at first provided, and there was no enthusiasm on the part of the administration for the whole experiment. The chiefs continued to receive subsidies from the Government, and the local bodies lacked any feeling of responsibility. This situation has been improved since the 1936 Ordinance, elaborating the judicial and executive functions possessed by the Native Authorities, and allowing for the establishment of Treasuries. There has been a serious attempt to re-establish the old tribal organizations—certain powers have been devolved on to them, revenues have been made available, Government grants awarded, and the chiefs are now paid from the Native Treasuries and not by the Government. As a result of these efforts, progress undoubtedly has been made—under central control. To-day the Native Authorities are being combined into stronger central councils, and strengthened by the introduction of non-traditional councillors.

In the European rural areas there are practically no local government bodies—except for the Road Boards. But urban local government is entirely in the hands of Europeans. There are two municipalities with a number of elected members, and a number of townships with boards of nominated members under the chairmanship of the District Commissioner. These municipalities and townships have the responsibility of controlling the African quarters within their areas, but their lack of funds has meant that African housing progress has been slow, and "Native locations" are dismal places. A Department of African Housing was set up in 1946 to assist in this matter. Urban Native Advisory Committees have also been created, and there has been a successful new policy of building up self-contained African townships outside European towns, with appointed African Management Boards.

In 1943 African Provincial Councils were started, composed of representatives from the Native Authorities, and also from the Urban Native Advisory Councils. In 1946 an African Representative Council for the whole territory was inaugurated, consisting mainly

of elected members from the Provincial Councils. One of the functions of this Council is to appoint two African members to the Legislative Council of the Colony. The Provincial Councils, and the Representative Council have no executive or legislative powers, but are purely advisory. There are now unofficial proposals to form European Provincial Councils, on which representatives from the African Provincial Councils will sit. The appointment of a Commissioner for Local Government is also under discussion.

The Anglo-Egyptian Sudan was administered by direct rule after the country was taken over in 1898. The Native Authority system began in the 1920s—first with law courts, and later with limited financial powers. The term Native Authority aroused prejudice, however, so the bodies were renamed "Local Administrations." In 1937 three local government ordinances were passed, which were later used as a basis for developing the local administrations into full local government councils. In the rural areas the Rural District Councils are still composed of nominated members only, but they have executive powers and employ technical officers. They have, also, independent budgets and are aided by Central Government grants. These Councils are not rigidly confined within the framework of any Native Administration system. But in the less advanced areas chiefs are still used as the agents of local government, under control of the District Commissioner. In 1943 Province Councils were constituted—composed, as to half their numbers, of members of the local administrations. These Councils have advisory capacities only and send three members each to the Advisory Council at the centre.

There are also five municipalities and four townships with partly elected councils under the chairmanship of the administrative officer. Many powers have been devolved to these councils, but the Governors of provinces may reserve certain powers if local government is thought to be unsuitable.

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Thus we see that Jamaica, as one of the oldest British possessions, has, suitably enough, the oldest tradition of local government to be found in the system of parishes, each with its Custos Rotulorum as Chief Magistrate, although the control was very sharply confined in the hands of a small upper class, and the conditions of government in earlier days were such as to be hardly credible if they were not a matter of historical record. British Guiana also has had a long period of experience of some sort of decentralized control in the Drainage Boards, but in Mauritius popular participation in local government seems to have been limited in the extreme. Where it was not limited

it was insufficient and corrupt. These three territories share the same characteristic that the inhabited portion of each is so small that central control has been comparatively easy; too easy, one is tempted to say, for there was on that account the less incentive to harness effective local energies in the task of self-rule. But European ideas are here no great novelty, and the problem seems to be one of perfecting the local government machine and developing a sense of community-consciousness and public responsibility, without which democratic machinery cannot function. In Jamaica the population is fundamentally homogeneous, but in British Guiana and Mauritius there are large Indian communities. (It is an interesting sidelight on British colonial methods that the dominant language of this hundred-year-old British colony is—French!) Despite the obvious possibility of difficulty in such plural societies, the distinction between economic and racial lines of cleavage reduces the political problems.

The different lines of development in British Guiana and Jamaica must give food for reflection. The local government system in Jamaica cannot be said to have been very successful—it has remained remote from the ordinary man; the administrative unit has not proved suitable; its functions were not clearly defined; and it has been hesitant to assume new responsibilities. British Guiana, on the other hand, has had a different experience. We have referred to Professor Simey's analysis of its particular success—the close contact between the Village Councils and the Special Local Government Department of the Central Government, the relation between the centre and the localities resting on agreement and persuasion. And, secondly, the clearly representative functions which the Village Councils have been given to perform, unblurred by the interposition of any larger authorities between them and the centre. Because of this successful structure, the British Guiana Local Government authorities have taken naturally to the development of new functions—such as social welfare activities—whereas in Jamaica, a special agency (half official and half voluntary), Jamaica Welfare, Ltd., is performing the same task, in the absence of sufficient confidence in the local authorities, or a sufficient expression of initiative through their medium.

Of the African territories, the Gold Coast, Tanganyika and the Sudan present some affinities (though in many respects dissimilar), Kenya and Northern Rhodesia a certain amount of mutual resemblance again. Policy in the two latter is complicated by the existence of mixed communities, which keep themselves, as far as possible, in watertight compartments. Thus in Kenya we find that local govern-

ment in the Highlands is conducted exclusively by, and almost exclusively for, the settlers and concerned with the affairs of importance to them, such as roads, control of agricultural practices and of African squatters and employees. The system of African councils has been quite distinct, with the unusual element that the British district official usually presides. In Northern Rhodesia the council system does not appear to be so well developed as yet, and, in general, progress on the African side is tardy as the result of historical and political influences. With the development of agriculture and of secondary industries which have been forecast, especially for Kenya, there is bound to be a greater influx of African population into the area of European settlement, which will throw greatly increased responsibilities on the local authorities. Problems of "race relations" will thus arise in a new form, and in the towns, too, the "native problem," the question of the "native location," will present themselves more urgently and rather differently when the population has become of a more permanent, settled character than is the case at present when there is so large a floating element. One may question whether the local government systems of some urban and rural areas will prove adequate to their task.

In the last group of territories the Gold Coast stands rather apart from Tanganyika and the Sudan in that it has suffered administratively from what may seem in retrospect an undue elaboration of territorial divisions of a historical nature. Perhaps there has been a too tender British regard for precedent and prerogative rather than for hard facts and current human needs. One may question whether enough thought was given, here or in Nigeria, for example, to the more distant future, whether more pressure could not have been exercised to secure ends which Government deemed desirable, to dilute the older forms of Native Authorities and open the way for inevitable developments. The Gold Coast also differs in the good fortune of being comparatively richly endowed over a large part of its area with agricultural and mineral wealth, which has already resulted in the emergence of a "middle class," distinct from chiefs or intellectuals, and provides a ready field for the secure establishment of the revenue indispensable to local government.

Tanganyika's resources (as those of the Sudan) are mainly agricultural and more limited: here effort has been concentrated on the building up of a "Native Administration" system based on personal rule, which has not yet taken the hue of the more impersonal corporate local government system, which seems to offer best use of human endeavours. The Sudan differs again in the important respect

that more than half of its area can be considered as belonging to the Arab and Muslim world of the Middle East, and in that sense it is an important bridge between Asia and the Mediterranean culture on the one hand, and the African continent on the other (although less than due interest is paid to this by the Sudanese themselves). Arab traditions and Muslim culture, the unhappy experience of Turco-Egyptian rule in the last century, have combined with the effect of the present system of government to produce a more promising field for the introduction of popular local government methods. The Sudan also has the unique advantage of possessing a corps of Sudanese administrative officials, for long confined to junior grades, but now increasingly promoted to higher and more responsible posts. Although the course of training which they received was in the past somewhat sketchy, and their educational background inevitably inadequate, the standard is continuously rising and the services of this professional class are proving valuable in the development of local government not necessarily in replacement of, but as an adjunct to, the hereditary and elective elements in local authorities.

In the African territories, generally, one can note in recent years a continuing effort on the part of the central authorities to delegate wider executive powers to the Local Councils, and to extend the democratic and representative nature of the Councils. At the same time, the machinery of the Councils is being improved. There has been a noteworthy extension, in some areas, of the system of standing committees of local councils for such matters as health, education and finance, and the delegation to them of routine work from the main council. A beginning is also being made in the provision of a trained local government service, to implement the policy of the Councils. In order to improve financial methods, problems of accountancy and audit have been given attention. Finally, it is clear that there is experimentation in discovering the optimum unit of local government. There have been amalgamation and federation of Authorities, the functions of the larger body not always being clear in relation to those of the smaller.

Out of our descriptive material a few general reflections arise. When a colonial government assumes control, the first thing it must do is to govern—law and order must be maintained, and the elementary services administered. This can usually best be done directly by government officials. Very soon, however, the need to use local institutions—particularly as regards judicial functions—makes itself felt. Then comes the period of trying to bring in representative elements or of creating entirely new bodies. Up to this point most

Colonies have now come. But it is rare, as yet, for the local authorities to be truly representative—in the Western sense. Even in the older established towns there are few instances of completely elected councils voted for on universal franchise. And in the more backward areas of Africa the problem of how far the old Native Administration system can be made really representative, in this sense, and adapted to modern local government needs, is still far from solved. The growth in these parts of a new educated class which does not feel at home in the traditional administrative framework, is exacerbating the difficulty.

But it is not only a question of securing representative local authorities. We are still grappling with the problem of what powers to devolve to them, and how to ensure that these powers are effectively exercised, through the application of central control. It is rare yet in the Colonies to find that there has been a sufficient devolution of powers coupled with a sufficient control from the centre to ensure that the powers are properly used. There is timidity in devolving the powers, and a lack of tradition in exercising the central control. In many Colonies, too, we are experimenting boldly —perhaps even rashly—with new Provincial Councils, federations, amalgamations, Territorial Councils, whose functions are anything but clearly defined. In fact, local government in the Colonies is still one vast experimental laboratory, in which co-ordinated coherent thought has only recently begun to be applied.

One other question deserves special attention—the difficulty, even when the right political forms have been evolved, of breathing into them the true democratic spirit, in the absence of the traditions of public service and the sense of community responsibility on which democratic success depends. There are still lacking in the Colonies all those voluntary agencies which strive for community betterment, set the "tone" and ideals for progressive administration and act as the consciences of the public. Without this foundation local government bodies become inert and corrupt—there is the form without the content. From the point of view of the ordinary citizen he would be better served in the practical details of his life (in the short run) by some paternal system run by efficient administrators. There will always be a temptation to fall back on these more direct methods (as we have seen to be the case in Mauritius to-day), and, indeed, such a course may even prove inevitable at times. But in the long run this is no final answer, and the more difficult path of building up the public conscience and creating the tradition of public service

in local government cannot be avoided as long as there is faith in democracy.

In forming any judgment on the knotty problems of colonial local government, we should always remember one thing. Britain is only one of several countries with colonial territories. The results of the application of the British "genius" to these administrative questions differ from the results obtained by French, Belgian, Dutch or Russian methods—and it would require the most careful balancing of evidence to decide where the advantage lay. Because this evidence has not been weighed, we have worked throughout this study on British assumptions, and on the premise that British methods will continue to be employed and the structure of the British system will continue to be striven after, in British territories. We realize the weakness of all these assumptions, and have provided a brief appendix describing the local government system in a few other countries.

It is one of those little-accepted but nevertheless true facts that in the acquisition of Colonies Britain was usually not carrying out a deep-laid scheme of domination or of economic imperialism. Rather was she carried along haphazard, and sometimes protesting, on the stream of world politics, or of trade, or of humanitarian progress—though, once grasped, she was careful enough not to neglect opportunities for trade or imperial security. This haphazard, muddled approach to Empire is largely responsible for the untidy administrative development we have traced in Colony after Colony —which, if neatness alone were the criterion, would probably compare badly with the administrations in the Colonies of other Powers. The only comfort is that democracy *is* untidy; its institutions are flexible, reacting sensitively to local variations, and shaping differently in different soils. If they are to live, they cannot be planned rigidly from the centre. Perhaps the very variety, the very disorderliness of local government growth in the Colonies, is the surest indication of its potential strength.

CHAPTER XIII

THE PROBLEMS ARISING

WE HAVE TRIED, in earlier chapters, to stress the differences in the social pattern in Britain and in the Colonies, and, indeed, the sharp differences existing within the Colonies themselves. Because of these diverse circumstances, we have doubted how far the British system of local government, springing as it does from a peculiarly British tradition, could be transplanted to the Colonies, and even more, transplanted uniformly in all Colonies. The only way of dealing with this complex situation in a fundamentally satisfactory fashion would be to study local government systems throughout the world, and apply the successful features, wherever found, to the individual Colonies to which they are best suited.

But the scope of our present study falls far short of this. It is designed to meet the immediate administrative problems now arising in colonial territories where, for good or for ill, the British administrators are working on the assumption that the content of the British system can be applied. We are aware that there is little in common between the town council of Castries, St. Lucia, the native State of Kano, in Nigeria, and the authorities that administer rural areas in Mauritius. And we appreciate that some of the classifications and terms used will appear unrealistic when translated into the actual circumstances of, say, Northern Rhodesia. In fine, the question is begged as to whether the whole line of the present advance in colonial local government is the correct one, and we come down in this final chapter to discussing individual problems on the assumption that, by and large, progress is to continue on present lines, but with certain improvements. There will undoubtedly be critics anxious to challenge this assumption. We are aware, throughout, of the implications—even the possible justification—of such a challenge, but a study of an entirely different nature is required to meet it. That would be the function of the social anthropologist, rather than of the political student.

THE FUNCTIONS OF LOCAL GOVERNMENT

There are, ultimately, two conceptions of local government. It

is possible for the local government body to be a projection, an agency, of the Central Government which hands over to local control certain of its own functions which it cannot easily direct from the centre. Under this conception the final power rests always in the hands of the Central Government, which passes the legislation, controls the purse strings, and, in the last resort, exercises sanctions when its will is not suitably obeyed. On the other hand, it is possible for initiative to spring up locally—for people in one area to *desire* certain services and then to set about acquiring the powers to carry them out. The Central Government may then—or if it wishes of its own accord—confer "permissive" powers on the local authority, permitting it to perform certain functions, and leaving it to local initiative to exercise these powers in accordance with public opinion. There is a clear distinction between the "mandatory" powers which are delegated under the first conception and the "permissive" powers which are allowed under the second.

In Britain neither one nor the other extreme exists. There is a close partnership between the Central Government and the local authority. As we saw in our chapter describing the English local government system, the main trend during the past fifty years has been in the direction of placing more and more reliance, particularly on the larger local authorities. The smaller authorities are finding it difficult to maintain their services on a high level, as the public demand for social service increases. Power tends, therefore, to be absorbed away from the smaller authorities into the larger ones, while at the same time the Central Government intervenes more and more to maintain high standards of performance, and to avert the danger of some authorities lagging behind. Under the new Education Act, for example, local school services have to reach standards laid down by the Minister of Education, which was not the case in the past. (In some cases the Central Government is actually itself absorbing back certain powers—as in the National Health Service which has taken over the powers of local authorities in this field.) Central control is exercised through the means of the grant-in-aid, through the obligation to obtain authority for the raising of any loan, through powers of dismissal of certain chief officials by the Central Government, and through the right of the central department to act in default if a local authority falls short in its standards of administration—a recalcitrant authority can even be compelled to take action by legal process.

This partnership between the Central Government and the local authorities is still in process of being worked out, and no one would

claim it was yet satisfactory. But there is here an important concept of the nature of the relationship from which Colonies will have much to learn. It is an attempt to encourage as far as possible local initiative and responsibility, while at the same time retaining power at the centre to keep local administration up to scratch and to ensure for all citizens a certain minimum of decent living. Central control does *not*, as it might be imagined, cramp local enterprise. On the contrary, the raising of standards often stimulates councillors, as long as freedom in working out the plans is allowed. This has already been found in the new educational services in this country.

The distinction between "mandatory" and "permissive" powers, already referred to, is particularly important from the point of view of encouraging local initiative. The services which the Central Government feels should be secured to all citizens become mandatory on local authorities—but if any group of citizens wish to show enterprise over and above the common level, it can do so by securing "permissive" powers, and then going ahead with enthusiasm. Within this framework the pressure of public opinion can make itself felt, and the dull standardization which some may fear will be imposed by strong central control may be avoided.

This question of encouraging local initiative and linking its expression with the machinery of local government presents very complex problems in the Colonies. In the West Indies, for example, energetic attempts have been made in recent years to arouse an interest in all forms of social welfare, but when a certain degree of interest was inspired and local authorities might have been expected to play a leading part in developing the new activities, it became clear that, only in British Guiana, were the local authorities of a sufficient status and calibre to enter with confidence on this new field. Special agencies, such as Jamaica Welfare or Barbados Welfare (part official and part voluntary) have, therefore, been formed round which voluntary effort has focussed.* But in the long run this is not satisfactory. Welfare functions should be carried out through the normal administrative channels (always spurred on by voluntary effort), and sooner or later local government will have to attain its full stature and assume these responsibilities. Indeed, there may be many functions with a special relevance to colonial conditions which will have to be carried out by colonial local authorities, and which are hardly considered within the traditions of British local government—for example, co-operative agricultural schemes and soil control. In the seventeenth and eighteenth centuries English parishes engaged in

* See T. Simey, "Welfare and Planning in the West Indies," 1946, Chap. 6.

activities hardly included in twentieth-century text-books—such as rat-catching. That belonged to the needs of their period, and in the same way Colonies will have to work out their own vernacular in local government.

It would probably be true to say that in most Colonies the local councils—in so far as their local government functions are concerned (we do not now refer to their other traditional roles in Africa)—have not advanced far beyond being the agents of the Central Government, and inefficient agents at that. Before the advent of the Colonial Administration very little in the way of local services, as we know them to-day, and in a context broader than the family or kinship group, existed. The concept of these services came from above, and the method of applying them was assumed to be the responsibility of the central administration. In Africa, for reasons of economy and efficiency, the local Native institutions were used as agents. Elsewhere special councils or boards were set up with nominated members to carry out certain very specific duties—such as the supervision of roads or sanitation. Rarely have these bodies succeeded in capturing local imagination and enthusiasm, and it is the exception rather than the rule when they exert any real initiative of their own. Whether it is through insufficient powers, or through lack of proper representation, or through the absence of a tradition of service and community consciousness, the sense of local responsibility is lacking. Particularly where central control is weak, local administration is marked, not only by irresponsibility, but by neglect and malpractices.

To right this position, there are a number of immediate problems calling for discussion—such as the method of election to the councils; their financial capacities; and the size and structure of the network of local authorities which must cover any well-administered territory.

ELECTION AND REPRESENTATION

The aim in local government now accepted in British Colonies is to have a fully representative council, chosen on a complete adult suffrage—always allowing for some residential or rate-paying qualification. In most Colonies outside Africa this can be put forward as an immediate objective, and there is obvious immediate action to be taken in bringing it about. The franchise qualifications are often still too strict. As adult suffrage is increasingly extended as the basis of choice for central legislative councils, there is no reason why

progress in regard to the franchise for local government should be allowed to fall behind. It is just worth remembering, however, that it took more than a century from the time of the Municipal Corporations Act of 1835 until complete adult suffrage was achieved in British local government. Only in 1945 was the local government franchise assimilated to the Parliamentary franchise. Before that there had been a property qualification, and every attempt to alter it had been bitterly contested.

In Africa the question of election and representation has difficulties all its own. In many African Colonies the traditional Native institutions have been used as the agencies of local government. The indigenous institution is almost always that of the chiefship (though there are exceptions), and the chief is very often not a hereditary autocrat, as he is sometimes pictured, but depending for his position on some sort of public choice, restrained by the force of public opinion and tradition, or by the presence of advisers. Although this is quite different from Western usage, it may not in itself be so "undemocratic," but time, and the new conditions under colonial administration, have revealed the defects of the old Native Authorities. The traditional checks upon abuse (in the last resort, by killing the chief) have failed. The institutions are finding it difficult to combine with the fast-growing new educated generations and are unable to cope with the growing requirements of modern law and science, in agriculture, in medicine, in commerce and the rest.

For these reasons there are many who claim that the Native Administration system does not contain the seeds of development either for local or central government. Modern education, the opportunities for wage earning, the conditions of employment, the novelty of urban life, are causing a social revolution, and an inevitable psychological disruption in all colonial territories—since the war this is coming about at a tremendous pace. It is hopeless to expect —so runs this side of the argument—that ancient institutions will be capable of adaptation to such immense changes.

There are others, however, who argue that the seeds for development *do* lie in the traditional system. The fact that the chief has not been an unfettered autocrat and that a council to advise him has been an essential part of the machine, gives hope that, with the introduction of the more progressive elements in the population, the Native Administration can really become a democratic local authority. What is now important is that these institutions should be fully representative of *all* elements in the area—the traditional elements, the new professional and middle classes, the rural popula-

tion, everyone irrespective of whether they belong to the principal tribe of the area. This line of argument stresses the valuable part which the traditional elements still have to play. Often they still possess the confidence and respect of people, who would, indeed, recognize no other representatives. It is impossible for us, here, to do more than state the arguments on each side of this delicate question. There is no decisive answer—a nice political judgment is required to deal with the situation in each separate territory. The most one can say, dogmatically, is that, *where confidence has been lost,* it would be wrong to continue to give special power and representation to traditional leaders.

The problem of methods of election is also difficult in Africa. It seems to be generally agreed that, whatever the composition of the Council, it should be elected, but election may not necessarily mean the ballot box. Many Africans themselves prefer other methods —at present representatives are sometimes chosen by consultation among the people, or selected at meetings by popular acclaim. When it comes to the election of representatives to some larger, more remote body, many favour the method of indirect election, through grades of councils which serve as electoral colleges.

In African towns, it may also not be possible to go straight ahead with completely elected councils. Many of the residents may still adhere to tribal institutions, and it may be necessary to use the older methods of representation as long as the chiefs and customary councillors still retain public confidence. The people may prefer to choose their representatives on a tribal, or even an occupational basis, rather than by direct election—though it may be necessary to make special provisions for people who stand outside any coherent group. The councils should have an elected majority—whatever the technique of "election" decided upon—and again the greatest possible degree of public participation should be achieved. A proposal for indirect elections in towns, is to divide the town into a large number of "blocks" forming a community of people who know each other well, and each block could choose a representative to attend a "Town Meeting" where council members would be chosen either at large or for groups of electoral blocks. A further step would be possible in the grant of power to the Town Meeting to recall members or to be consulted on certain matters. But there are very obvious dangers in this proposal. An active political party would, by unscrupulous methods, very easily "capture" the blocks. A much higher degree of political consciousness than exists in Africa would be needed to prevent blatant abuses of power so acquired.

There is always the problem of communal electorates arising somewhere—it already exists in such towns as Nairobi. This is an issue which will be decided in the field of national, not local government. But in the meantime the question looms seriously in many East and Central African towns, at present controlled by non-African Councils, and unwilling to admit African representatives. The least that can be suggested as an immediate step is that representative African Urban Advisory Councils—on the lines already being developed in, say, Kenya—should be set up to advise on African interests in municipal affairs. They would be useful bodies even after membership on the municipal councils had been achieved. They might, if an elective system were not feasible, be able to choose representatives to the municipal council from among themselves.

It has sometimes been argued that in traditional tribal systems and in most under-developed countries, allegiance is personal—the people set little store by policies and principles and tend to follow a man of personality. What use, then, is it to expect to work a system of councils, committees, elections and so on? There seems to be a considerable amount of force in this argument, and to meet it a suggestion has found favour in some quarters for the establishment of a system analogous to the American "Council-Manager" or "City-Manager" scheme—a system which exists in many European cities as well. The essential elements in this are that the public elect only a small council for the area concerned, and a professional manager is appointed who directs the whole administration, subject only to a varying (but usually mild) degree of control of general policy by the council.

If this were applied to colonial territories, it might mean the employment of British officials as managers until any suitable local professional class emerges. It would tend to diminish local interest and initiative and the sense of responsibility. It runs counter to the whole purpose underlying the establishment of popular local government and would encourage the perpetuation of central control. It is only in the rapid awakening of general public interest and the sense of responsibility that we can see a hope for the welfare of the lower sections of the urban population, or a shield against the dangers of irresponsible demagogy. The administration of townships by officials with the aid of advisory committees is a barren device, for advisory bodies without responsibility are virtually useless; advice that need not be taken is apt to be considered as not worth giving. The suggestion that the committee assisting the official should not be "advisory" but should be a Board of Management consisting of

an inner group of elected councillors is, also, unsatisfactory. There is always the serious danger of bureaucracy—and no committee, whether advisory or executive, is likely to be able to control a professional official, who will always be more knowledgeable and have his finger in every pie.

Indeed, even the question of the right sort of town clerk is a ticklish one in the Colonies. There tends to be hostility to the official appointed through the Government, as many town clerks in Colonies are through sheer lack of alternatives. And yet, if the Central Government is to give grants and be ultimately responsible it must have some control over appointments. In England this control does in fact exist. Not long ago there was the case when a local council insisted on appointing a Chief Constable of its own choice against the will of the Home Office. As a result, its grant was reduced. There is, inevitably, a constant tug-o'-war between local authorities and the centre. The only way of harmonizing the antagonism against officials appointed from the centre with the need for efficient appointments and the simultaneous need to prevent efficiency from degenerating into bureaucracy, is to ensure that *power* resides in the Council itself and not in the hands of any Town Manager or Town Clerk. The power of the Councils, subject to central control, must always be *undivided.*

In the African territories, policy now appears to be along the lines of strengthening the *council* element in Native administration, at first perhaps with the nomination of members or election of elders by tribal custom, but always with the goal of offering opportunity at the earliest moment for the widest participation of the people as a whole. The question then inevitably arises—what is to be the future of the chiefs? Indeed, many chiefs are already seeking the answer to this themselves. Where the chief exercises judicial functions, he may develop into the local judicial authority, leaving his administrative powers to the council. In any event he will become increasingly a figurehead, an ex-officio member of councils, or an ex-officio magistrate. We have not far to go to find a parallel in the Custos Rotulorum in Jamaica, or our own Lord Lieutenant.

FINANCE

If a local authority is to function responsibly, it must have effective sources of revenue. There are three types of revenue available—direct taxation, which may be in the form of rates or as part of a

direct tax levied by the Central Government; income from the performance of services; and grants-in-aid paid by the Central Government.

In the urban areas in the Colonies, the British have everywhere brought with them the principle of rating which obtains in England, though methods of valuation for the rates vary. It is not difficult to point out objections to the British system of levying a rate on the annual rental value of property. In under-developed areas at home as well as in under-developed countries, this system tends to penalize the improvement of housing standards. A different form of rating is more desirable in Colonies. Taxation of undeveloped land in private ownership, or an increment in the value of such land, whether in town or country, is particularly suitable. It may be sound, also, to lay the burden of rates on the owner as well as the occupier of property. (Though in the case of the former this would seem to approximate more to an income tax, and it must not be forgotten that the "capitalist" landlord may sometimes perform a useful function in providing houses for those who wish to rent.) The least objectionable form of rating is on the plot area, rather than on the rental value of a building, thus encouraging, rather than penalizing, development—but there is no evidence that this has been tried. It is extremely important that the assessment authority should not be appointed by the Local Authority, but by the Central Government. In Britain there is now to be central valuation. This is probably not possible in the Colonies owing to lack of personnel, but it is possible at least to *appoint* the assessors centrally.

In rural areas the development of a rating system (except in small markets or townships) would require better administrative machinery than is likely to be possible in most areas for a long while, and simpler forms of taxation are desirable. Some form of poll or homestead tax appears to exist in many areas, the unfair incidence of which needs no stressing—so much per head or per home irrespective of wealth. It must be cardinal policy to press always for discriminating and progressive forms of taxation in general—on crops, on animals, on drink and luxuries, such as cinemas.

It is essential that local authorities should have taxation or rating powers. By using them with imagination, revenue can always be expanded and initiative exerted. Whatever form the local taxation may take, however, the essential thing is that any source of revenue assigned to a local authority should be assigned clearly and unequivocally, and should be capable of adjustment by the local authority. Upper and lower limits to the tax may well be set (and the upper

limits seem in some cases, e.g., Port Louis, to have been fixed unduly low), but freedom must be permitted between them. A fixed rebate or cess on "national tax" paid to the Central Government is not likely to encourage independent thought in the recipient. As far as possible, then, a clear distinction should be drawn between central and local forms of taxation.

But this is far easier said than done. It is a matter of the utmost difficulty in most areas to find such completely distinct sources of taxation. Usually every obvious taxable source is already being taxed—animals, crops, huts and so on—and no one of these can just be handed over to the local authority as a simple solution, because different individual taxes bring in quite different returns in different areas. One area may have many animals, for example—another very few. Also, the Central Government is hesitant about handing over any source of revenue until it has found an alternative —and alternatives are not so readily to be found. On the other hand, when there is no clear distinction between central and local taxes, all the odium for taxation falls on the Central Government. There is no sense of linking the tax with some obvious local need, and thus no inspiration to contribute willingly. The problem is a thorny one, to be solved only by the exercise of ingenuity on the spot.

An important source of revenue in Britain is gained through the performance of special services—municipal transport, gas and electricity undertakings, laundries, and so on. Here is an immense opening for local initiative, which has barely yet begun to be explored in the Colonies, or is still in the hands of the Central Government. Usually, local authorities are dependent also on a grant-in-aid from the Government. This may be a specific grant allocated to a specific service, accompanied by a demand for a certain standard of efficiency in the performance of the service; or it might be a block grant to assist the local authority generally. In England the grants received from the Central Government rose steadily over a long period of years to nearly 50% of expenditure just before the last war. Grants are particularly desirable if designed to equalize the financial burden between areas richly endowed by Nature or by chance, and those less fortunate.

In the Colonies grants-in-aid are not always used in the right way. In practically no instance has a proper demarcation been made between central and local finance, and no definite system for grants-in-aid has been laid down. This is unsatisfactory, in that it encourages pauperism and negatives the feeling of financial responsibility

in the localities. Percentage grants should be allocated for some services. Specific sums should be given for the rateable value of Central Government property. Block grants, or sums (as in the Sudan) to be retained from the taxes after payments due to the Central Government have been made, should be calculated on a known and universal formula.

A different form of finance is in the shape of a direct payment to a local authority for carrying out, as an agent, certain functions of the Central Government. But this is in fact a payment for services on an agency basis, rather than any real performance of local government functions.

In Britain the tendency is for more and more of local government finance to come from the Central Government in the form of grants. This corresponds to the general levelling up of all social services and the more stringent standards set at the behest of the Central Government. It is inevitable that as the Central Government exercises more control, the grant-in-aid should increase in importance.

This development is probably inevitable in the Colonies also. But particularly under colonial conditions, strict treasury control should be averted from the supervision of minor capital expenditure or budgetary details. Of course, audit is all-important, with power of surcharge, but within limits set with regard to the general financial position of a territory, there should be freedom even to incur deficits if thereby a sharp lesson can be taught in financial responsibility. Only by trial and error, and not by ceaseless coddling from higher officials can lessons be learnt and independence achieved.

There has always been a tendency to make a mystery of financial matters. It is true that State finance is not easy for the unsophisticated to grasp, but that makes it more than ever necessary to devolve as much responsibility as possible, and always to give publicity, and the frankest and fullest explanations regarding finance. Only thus will be dispelled the oft-prevalent idea that Britain makes some secret profit from her Colonies, and that district officers pocket the proceeds of local taxes to pay for their leave. The psychological framework of colonial attitudes, with the invariable distrust of the central administration, demands particularly that as high as possible a degree of local financial independence should be secured, as well as the absolutely clear demarcation between the central and local funds. This demarcation should penetrate right down to the individual taxpayer. He should be able, simply, to appreciate exactly what he is paying to *local* government and be put in a position to relate his payment, direct, to local services from which he benefits.

SIZE AND STRUCTURE OF THE UNITS OF LOCAL GOVERNMENT

If local authorities are to carry out their functions effectively they must have an effective unit on which to work. What is an effective unit? As the unit increases in size, it becomes—up to a point—more effective as regards financial resources and administrative power, but the element of public control by elected representatives suffers and tends to be replaced by officialdom. As this occurs, local interest and responsibility diminish. This is a difficult problem everywhere, and as recently as 1947 a special commission was set up in Britain—the Local Government Boundary Commission —to report on this very subject. "It is not possible," states this Report (published in 1948), "by any process of arithmetic or logic to arrive at an optimum size of a local government unit either in relation to local government as a whole or to any one function or group of functions. At best one can—to use an engineering term—arrive at a reasonable tolerance." The following principles are then recommended:—

1. The administration of a local government service should be over as small an area as is compatible with efficiency.
2. Public control over the expenditure of public money is essential, but the importance of close supervision by the representatives of the public differs between different services. Such matters as education, town and country planning, housing and health, where issues of policy frequently arise, need day-to-day supervision by representatives.
3. The greater financial resources of large units enable them to provide more elaborate services and attract more efficient officers.
4. Larger units can achieve greater economies and greater uniformity in administration than several smaller ones.

There is thus a constant conflict between efficiency (which suggests large units), and democratic control (which suggests small units), and a proper balance must be struck.

The device by which these conflicting considerations are usually balanced is the introduction of more than one tier in the local government system; there may be two or three tiers consisting of major and minor councils with independent spheres of action, assuming responsibility for different types of service. The success of the multiple-tier system depends on the proper allocation of functions,

the unambiguous sharing-out of responsibility, and the establishment of a proper relation between the various tiers.

In Britain the trend has been to give increasing powers to, and place more reliance on, the larger authorities, but at the same time there is no question of eliminating the smaller—it is only a matter of confining the smaller to the functions which they can most adequately perform. There would be no sense, for example, in handing over the details of scavenging or street-lighting in every village to a County Council; and it would be equally absurd to expect every village to run a complete hospital and health service. The vital point is to see the large and small units as *complementary,* not as conflicting. And the minor units should not be subordinate to the major, but should derive their powers, just as the major units do, direct from the centre, though it is also possible for the major units to ask the smaller authorities to act on their behalf. The last point —the delegation of powers—is particularly stressed in the 1948 Report. This "horizontal" structure of local government units is the system existing to-day in Britain.

These problems—the size of the unit and the relation between major and minor authorities—are urgent questions in the Colonies to-day. As opposed to the "horizontal" pattern, is the "pyramidal" pattern—under which a hierarchy of authorities, each delegating powers to the body below it, is set up. Under this system the minor authorities have no autonomy of their own—they are merely the agents of the authority above them. In the African Colonies, in particular, it still remains undecided whether the pattern is to be horizontal or pyramidal.

> "For purposes of political representation most territories now have a pyramid of councils based on native authorities and culminating in the Legislative Council. But the pyramid of representation is not yet an administrative pyramid in the sense that local authorities are strictly subordinated to the higher councils because they derive their powers from them. Nevertheless, certain centralizing tendencies are visible in African local government. The need to build up suitable major area authorities is felt increasingly as social services expand and delegation of responsibilities from central to local authorities goes on. Financial considerations have also stimulated the creation of larger administrative levels. Numbers of smaller native authorities have amalgamated or federated to form common treasuries and to pool revenues the better to develop local services. Thus the tendency is towards the growth of superior local authorities of one sort and another, often with wide powers over the lower authorities within their area."*

*"A Digest of African Local Administration," June, 1948, p. 20. Colonial Office.

Where large traditional State organizations have survived—for example, in Ashanti and Barotseland—a ready-made major authority exists, and, more often than not, the minor authorities beneath them are circumscribed in action. But where the major authority springs from a federation of existing minor authorities—for example, the Sukuma Federation in Tanganyika, and the arrangements in parts of Northern Rhodesia—the wide autonomy of the constitutional units is already traditional, and the two-tier horizontal system has a ready basis. Elsewhere, tribal, district and area councils are growing up as major authorities, and, in some instances, the minor authorities have already been converted into nothing more than local agents of the major one.

The implications of this rather haphazard development should be squarely faced. The village council usually represents an important institution in African life. It is at this lowest level that progress is most desirable and at the same time hardest to achieve. It is interesting that in the Hill Report on Jamaica there is a proposal for the creation of about a hundred "district committees" subordinate to larger units replacing the parish. The history of parish councils in England is not encouraging, but in many colonial territories it is the village, the extended family group, which is the basic and important unit to be encouraged—despite the enormous amount of trouble involved—if there is to be a healthy social life.

At the same time the village council is obviously incapable of carrying out the increasingly complex duties which fall on the shoulders of progressive local authorities. The tendency to create bigger units is thus undoubtedly to be welcomed. But if, in the pursuit of efficiency, local initiative and responsibility is lost, the gain will be a doubtful one. The growth of civic consciousness at *all* levels of the population is essential for colonial progress, and the pyramid system is *not* the one best designed to this end. The line of advance is—as we have said—still undecided in Africa, but the tendency is already pointing strongly towards the pyramid. This is a tendency which demands challenge.

AFRICAN LOCAL GOVERNMENT AND THE ELECTORAL PYRAMID

We have already referred to the development of an electoral pyramid in most parts of Africa. The most minor local authority elects representatives to the District Council, or next above it; the District Council to the Provincial Council; the Provincial Council

to the Legislature. There are, of course, variations, but that is the emerging pattern.

As a solution to the problem of the election of representatives, this pyramid structure is certainly attractive, and a workable temporary expedient. There are in fact many who claim that, with regard to elections, it is more than a temporary expedient—it is the *only* effective way in which the representation of the mass of the African population can be secured, the only possible African democracy at the moment. The loyalty of the rural African is still mainly to his tribal authorities, and if he were expected to take part in direct election to a remote legislative council, he may well be at a loss, and the elected members may be anything but representative of the interests of the people. Let him, therefore, elect to his tribal authority, and let that authority choose the man to go to the superior council. Of course, for the system to work satisfactorily even the smallest local government unit should be fully representative of all classes in its area. What is more, this school of opinion argues, the privilege of taking part in the election of representatives to higher councils stimulates interest in the work of the smaller units, and gives them added prestige. It may actually provide the stimulus for the creation of effective units of local government founded in the first instance for the purpose of taking part in the electoral system.

In addition to these electoral arguments in favour of the pyramid structure, certain administrative advantages have been claimed. Through the linking up of representatives from the smallest unit right up to the Legislative Council at the centre the members of the Legislative Council will have much closer ties with the localities—they will understand local problems; they will have a detailed knowledge of local conditions, and be able to appreciate the possibility of putting legislation into effect. In this way the election of demagogues who will push through madcap schemes at the centre will be avoided in countries where political experience is still rudimentary. At the same time, there is an orderliness and tidiness about the pyramid arrangements which will facilitate administration in conditions where administration is bound to be difficult.

But there are serious arguments against this system. The chain of election is so long that those at the lowest level—and still more, the general public—would feel little connection with those chosen for the highest council; and vice versa, councillors chosen on local popularity, or for their interest, knowledge or influence in local affairs might not be the best suited for the national body. A further difficulty in present circumstances, where rural councils are so largely

composed of chiefs and elders, is the possibility of the exclusion from the higher councils of the younger educated or professional elements (though, particularly in East and Central Africa, special efforts are now being made to bring them in). A more practical trouble, which is bound to be recurrent in the present systems, is the severe demands made on the time and energy of chiefs or other local representatives who are expected to travel long distances and attend meetings of many different councils, so that they have little time left to attend to their own proper private or public responsibilities, or to visit different parts of their area and keep in touch with the public. It will always be the same set of people who are used, no matter whether the function be political, judicial or administrative—and the results, in terms of efficiency, can scarcely be expected to be good.

There is the danger, too, that local councils may be drawn into a discussion of affairs beyond their competence, or that the reality of debate may be destroyed by their inability to influence the final decision; again, that local independence and initiative will be threatened by the hierarchy of higher councils tending to overawe the lesser units. As national politics become more lively an issue, it will clearly be undesirable to have them dragged in full force through the sphere of local government, to which they are likely to have only minor relevance. Politics will be found to colour every discussion, even at the lowest administrative level, as a result of linking up the units designed for administrative purposes with the very different units constructed to meet political need. Finally, the possibility of an independent questioning, at the centre, of the activities of local councils will be diminished if it is the representatives of those very councils who sit on the Legislature. A Member of Parliament, who has found his way to Parliament only through the choice of County Councils and Borough Councils, will have to mind his step when it comes to criticizing his "constituents."

With all these arguments in mind, critics of the pyramid structure ask for a complete separation of political and electoral functions from the local administration of social services; for completely separate elections to the different local government bodies; and for an equally separate election for representatives to the Legislative Councils.

Once again, it is not possible for us to provide an answer to this conflict of opinions. In Britain, the electoral pyramid would be unacceptable, but the ideal in Britain may not be the ideal in Africa. Certainly, indirect election in some form may prove to be desirable

for quite a time to come. And it may be essential to guard against representatives at the centre who are wholly divorced from local recognition and local experience. A possible device for maintaining a close association between the central body and the local government machine is that in force in Jamaica, where members of the central legislature are ex-officio members of the local council for their constituency. Another suggestion to meet this point comes from the Sudan—that candidates for the Legislature must have been resident for a considerable time. Yet another device is practised in British Guiana, where the Local Government Board has on it representatives of the local authorities in the areas they are to represent.

THE COMMITTEE SYSTEM

In Britain it has been found quite impossible for the members of the Councils to do all the work in council. They split up, therefore, into committees controlling different functions, and reporting back their decisions to the main Council. There are differences of opinion as to how far this system can be introduced in the Colonies, though in some areas it is beginning to be tried out.

Some suggest that committees may create a danger of confusing members and blurring their conception of their full duties. On the other hand, it is argued that the committee system is admirably suited to colonial conditions. It might provide an ideal method of making local governments more effective by co-opting other than the traditional councillors to supervise special functions. These might, as co-opted members do in Britain, sit on special committees for such subjects as libraries, child welfare, public health, and prove a source of instruction to the councillors who are non-expert in these matters. Such committees might prove a most effective method of making local government more efficient and democratic, while at the same time preserving the virtues of the customary institution. Particularly in the larger urban centres the population might find in this way the immediate contact with the management of their own affairs which they are otherwise denied.

LOCAL AUTHORITIES AND JUDICIAL FUNCTIONS

In Africa the chief, in addition to being the head of the local administrative authority, also exercises judicial functions. The Native tribunal is linked with the Native Authority. The present system

of Native tribunals seems likely to continue, although it needs a periodical review to ensure a steady improvement in the personnel and a steady development of Native custom towards established case-law. What is important is that the judicial authority should be separated from the administration. To-day the two functions are closely linked, and it is as desirable that they should be separated in the Native administration field as it is in the British Colonial administrative services. The argument that only the possession of judicial authority engenders respect for the administration has been proved fallacious. It is interesting to recall that in Britain itself judicial and administrative functions were linked for three centuries in the persons of the Justices of the Peace. It was only in 1888, when the new County Councils were created, that a cleavage was effected, and the County authorities took over the administrative powers which had previously been exercised by the J.P.s in quarter sessions.

LOCAL GOVERNMENT BOARD

Some form of Central Local Government Board has been established in a number of Colonies. This is useful, for the control and promotion of local government requires detailed and expert work at the centre which a secretariat burdened with other jobs is ill-fitted to undertake. The variety of interests involved in local government —administrative, financial, legal, medical, agricultural—renders imperative some form of close co-operation, with the power to take executive decisions without reference to a series of departmental heads, and with wider vision than a narrow departmental viewpoint affords. This co-ordination and co-operation can be effected through the Local Government Board. The Board would also decide on the appointment of officials, terms of service, disputes and appeals as between authorities, and between authorities and their servants. Particularly in the formative years there will be a great deal to be done.

AUDIT AND INSPECTION

A high standard of efficiency is only possible in local government if stringent control is exercised from the centre. In Britain district auditors, appointed by the Ministry of Health, can challenge the expenditure of local authorities, either on the ground that it is "ultra vires" or that it is excessive or unreasonable. The power to

challenge extends to surcharging all members of the authority who supported the expenditure. There is, of course, the right of appeal, but if it fails any person involved is excluded from membership of the local authority for five years.

Something similar is needed in the Colonies. The Government auditor should be given powers to challenge the legality and reasonableness of expenditure.* It may, however, be necessary to be less stringent in the penalties than in Britain.

Where grants are made by the Central Government for particular services, the services should be inspected and reported upon, and the grants reduced if proper standards of efficiency are not maintained. There should be powers in the hands of the Central Government for the suspension of members of a council for mismanagement. But it should always be remembered, in colonial conditions, as elsewhere, that powers exercised from the centre are likely to be resented, and that the best guard against dishonesty or inefficiency is local public opinion. Too ready an exercise of action by the Central Government would introduce distrust and diminish the sense of responsibility of the local government bodies. On the other hand, governments must have some machinery for taking immediate action should any grave contingency arise. There should perhaps be provision for powers to vest automatically in a major authority, should a minor authority default; or in the Central Government should a major authority default.

A LOCAL GOVERNMENT ADVISORY COMMITTEE AND THE NEED FOR MODEL LEGISLATION

There is still too much of the empiric element, the "hit or miss" method, about local government in the Colonies. The need is now recognized for a co-ordinating centre for study, consideration and advice on the problems continually arising, and for gathering together the experience in the field, so that mistakes are not repeated and hopeful experiments in one area are made known to people tackling similar situations elsewhere. This is being done quietly by a few officials in the Colonial Office, but perhaps the time has come for the appointment of a Local Government Adviser to the Colonial Secretary, aided by an advisory committee of experts, some of whom

* A practical difficulty is where to find sufficient auditors in the Colonies. A suggestion for a half-way house is to re-employ retired accountants, who should be given a refresher course in the Audit Department, and then sent to advise Local Authorities in the preparation of their accounts for inspection by the Auditor.

have experience in British local government and some with a colonial background. This would be following the precedents already working in the fields of education, labour affairs, social welfare, co-operation and so on. Through these means much worry and labour might be saved the individual colonial governments, particularly if it were found possible to draw up ideal or model legislation, whether it be the constitution of councils, franchise and voting rules, rules of procedure or anything else. There must always, of course, be local variations, but a general guide serves to eliminate any mistakes by the way. In Britain the Ministry of Health issues a wide range of model bye-laws, regulations, constitutions, etc., to give guidance to local authorities. This is a task which can be performed eminently well by knowledgeable people outside the service—who would also maintain a constant critical survey of developments.

INFORMATION ON LOCAL GOVERNMENT

Linked with this last proposal is the need for more knowledge to be generally made available on local government questions. Very little material is now published on this question, apart from periodic reports of the Governments concerned, and a few special surveys of countries or regions, such as Lord Hailey's "African Survey." Modern methods of survey and criticism have been little applied to the Colonies of any of the Powers, nor have the officials working in the territories themselves been encouraged to publish even factual surveys (since criticism is usually forbidden them) of matters with which they deal. A changed attitude is needed towards this question of publication. Facilities should be offered for publishing material dealing with administrative problems and achievements. Much of the published material on Colonies tends now to be devoted to historical and ethnographical research. But an understanding of history and tradition need not exclude study and speculation on the administrative problems of the present and future. There is place here for a special journal devoted to these matters.* Further, much benefit might be derived if the Institute of Public Administration could be persuaded to devote attention to a study of local government in the Colonies. A branch of the Institute has been formed in Jamaica. If the Institute had the official backing of the Colonial Office, something useful might be achieved.

* In January, 1949, the Colonial Office commenced publication of a "Journal of African Administration."

TRAINING AND CONDITIONS OF SERVICE

Progress in colonial government too often depends on officials who have had no training and little experience or interest in any form of local government at home or elsewhere. Office practice and personnel management are an unknown field: the development of incentives and responsibility for junior staff is often neglected, their welfare and training overlooked. The simplification and standardization of filing systems, returns, forms and so on, may have a powerful influence on the running of local government offices. It is easy to say that there is too much paper work in modern colonial government; but the complaint should not be accepted uncritically. Returns and forms of the right sort can be of great value, and it is high time that modern methods were introduced in every territory. Great attention must be paid to the "professionalism" of technique, which would also provide new incentives and standards to the local Native officials, which may be lacking in their social background.

In general there is a severe shortage of trained staff for local government work. This is partly due to the lack of proper training facilities, and partly to the poor rates of pay offered. In parts of Nigeria it has been found necessary to pay the same rates in local government work, as the Central Government pays, and the same is increasingly the case in other territories as well. Lack of funds is, of course, the snag; here is an additional reason for encouraging the formation of larger local government units which might be more able to pay adequate salaries.

Even if salaries improved, a great effort will need to be made to train staff. The ideal is to have men with a higher education. But whether or not they have this education, special courses on local government methods are absolutely essential—and needed as much for the superior staff (whether white or black) as for the junior; perhaps a condition of employment should be willingness to undergo a period of training, and continued employment might be dependent on proficiency. Such matters as local taxation methods, the incidence of rating, franchise qualifications, public health services, public security, poor relief, are all essential knowledge for local government officers, and will be achieved only through specially arranged courses. And not only the staffs, but the actual members of the councils will benefit greatly by attending such courses. These courses might perhaps be run by persons from the United Kingdom with special experience of local government, who might be invited to make periodical tours to Colonies for this special purpose; or

they might be made a special charge of the new university institutions now being founded in certain Colonies. It has also been suggested that visits to Britain or elsewhere should be arranged for key men on the staff of local government bodies in the Colonies. They might be apprenticed to similar institutions in this country for a period.

To put local government work on the right level of prestige a local government service should be created, laying down clearly conditions of employment, and allowing for interchange of employment between different areas. This would widen the field of recruitment, open up new opportunities for promotion and transfer, secure uniform decent working conditions and pay, and remove individual local government officers from the mercy of the arbitrary decision of separate councils. There might even be provision for the transfer of staff between the central and local government. Thus a service tradition might be built up which would attract educated Africans, and infuse a new spirit into the whole of local government. It would also help to maintain professional standards and secure good conditions of service if a professional association of local government officers were formed—but this should be on their own initiative and not through Government intervention.

OTHER SUGGESTIONS

Side by side with the introduction of a united local government service, there should be a standardized system of finance and accounting methods, and standardized forms and procedures. Another suggestion is that local government headquarters should always be located apart from the district headquarters of the Central Government so that a sense of individuality might be developed.

PAYMENT OF COUNCILLORS

In Britain councillors have not been paid in the past. What is more, a councillor is forbidden under severe penalties to make any profit for himself out of his office. It has been found, however, that the councillor's duties are heavy for working-class members who have to go to daily work. Schemes for the compensation of councillors have therefore been under discussion in Britain, and were embodied in the 1947 Local Government Bill. Under this Bill councillors will not be remunerated, but only reimbursed for any actual

loss of earnings, or any additional expense, incurred as a direct result of attending council duties—and then only up to a limit of 10s. for four hours or £1 for more than four hours, in the course of any day. Some principle of this sort might be introduced in the Colonies as well.

CONCLUSION

In putting forward these proposals for the improvement of local government in the Colonies, one runs up, at every turn, against a stone wall—the absence of local initiative and a sense of local responsibility. The reasons for this lack may be the fault of those in authority who, in the past, have preferred good government to self-government; it may be inherent in the colonial system; or it may be due to popular ignorance and lethargy. To-day there are many signs, in the attitude of colonial governments as well as in the growing political consciousness of the colonial peoples, that this "dead" period is coming to an end. It is at this moment that the Authorities must exert the utmost patience in devolving powers as far as possible, even at an obvious sacrifice of efficiency, for the sake of encouraging those promising sparks of community-initiative which are undoubtedly revealing themselves.

For those whose patience is short, we can only refer again to the long, slow development of local government in Britain, and how recently the present imposing structure took shape. With the experience of other countries as a guide, it will probably all go much more quickly in the Colonies. The first step is to recognize the *need* for local government as the basis of any form of responsible self-government; the second is to understand the problems; the third is to find the machinery for solving them. This book may make a small contribution towards covering the first two steps—the third can only be left to administrative ingenuity among officials and the public on the spot.

APPENDIX

LOCAL GOVERNMENT IN OTHER LANDS

A brief account of the English system of local government has been given in Chapter 2, and in general the question of local government in the colonial territories has here been dealt with from the standpoint of English ideas, since these are the predominant influence in most British territories. But whilst it may be claimed for the English system that it enables the best approach to be made to the ideal of democratic local self-government, we should not forget to observe the systems of other countries which may contain elements suited to the particular local conditions of some particular country. Changes are, of course, taking place continuously in the systems of most countries, as in England, in conformity with changes in local political or social conditions, especially since the last Great War, but it is possible to distinguish certain definite characteristics of prime interest in the systems of certain countries.

The distinguishing features of the English system, suited to an island that has escaped invasion for many centuries, may be said to be *the spirit of local independence and individuality,* even though in practice the Central Government has very considerable indirect powers of control, supervision and advice; *the Committee system* (i.e., in an executive role, as opposed to the use of powerful executive officials); *limitation of powers* to activities expressly authorized by law. Many Continental systems have been inspired by the different example of France, where history and geographical position have set a premium on strong central control. In Eastern countries, again (such as Egypt or Iraq), an historical tradition of authoritarian or personal rule (often derived through Islam) is the dominant influence, and direct rule by province governors and district officials is prevalent, though councils are sometimes associated with them.

The following is a summary of some salient features:—

FRANCE

The keynote of the system has been the phrase of Roederer: "To discuss is the function of numbers of persons: to administer is that of an individual." The whole country is divided into some 38,000 *communes* of nominally equal competence, though they may be a city or a small rural area: each has a council, of varying size, elected every four years. (In these elections, by contrast to normal English practice, national politics play the chief part.) The council chooses the *maire* (mayor) for the commune, who may hold office for six years, and is not only the chairman of the council, but has also important administrative powers as an agent of the Central Government. Councils nominally have considerable scope to engage in activities for local welfare, but in practice both they and the *maire* are closely controlled by the *prefect* of the *departement* (or "county") who is a centrally appointed official. There

is close control of finance also, and local funds are increasingly derived from Central Government.

Unlike England, again, there are special "administrative tribunals" to deal with cases both against Government bodies by private persons, and against councils or officials for misuse of powers, etc.

SCANDINAVIA

The systems of Denmark, Norway and Sweden are similar in many respects, but the tradition of local independence is strongest in Sweden, whose system is here summarized.

There are twenty-four *Län* (County), excluding the special Government of Stockholm; in each there is a County Council, meeting at least once a year, with a Standing Administrative Committee, when the Council is not in session. The chairman is chosen annually, and there is an age-limit for the franchise of 27 years. The council has local legislative and taxation authority (and acts also as an electoral college for electing members of the Senate), and wide powers for supervision of subordinate bodies. There is also in each county a prefect, or governor, appointed by the Central Government (and paid nearly as much as a cabinet minister). His responsibility is dual: (a) to represent the Central Government, carrying out certain "central" functions, e.g., issue of passports, and to see that national laws are properly administered in the county; (b) to act as the chief executive of the County Council. He may attend council meetings and propose motions, but has himself no vote.

The country is also organized in communes, subordinated to the county in varying degrees, rather as the English system, with varying concentration of powers. They are (a) the parish—in rural areas; (b) the municipal district—an area of denser population within a parish, which may adopt urban legislation; (c) the small town; (d) the city. The five largest towns have a separate organization.

GERMANY

In pre-Nazi Germany the historical regional divisions had resulted in many different forms of local organization. The principle was usually that of strong central control through highly trained professional administrators, coupled with local elected bodies exercising mainly indirect influence. Especially in Prussia, elected councils usually appointed a Burgomaster, who might hold office for as long as twelve years, and was centrally controlled: the Burgomaster with two or three others formed the *Magistrat*, not so much a judicial body as a permanent technical executive committee only indirectly influenced by the council. A notable feature was the ability of local bodies to engage in any activity not specifically reserved for central authority, a power of which several cities made notably valuable use.

U.S.A.

In origin the American system arose largely from the English system, but it has developed characteristics of its own such as (a) the separation

of the executive from the deliberative functions (as in the system of national government); (b) the system of appointment of officials by popular election, instead of on technical grounds (hence appointments are largely political, and may involve a change of functionary at every election). Local government is entirely subordinate to the State legislatures, which can—and often do—make somewhat whimsical interference in its methods.

Three principal systems deserve notice: (a) the *Council-with-Mayor* system, where the Mayor may either be entirely subordinate to a powerful council, or—more commonly—largely dominates local affairs and usually has a marked political trend; (b) the *Commissioner* system, where only a small body of Commissioners (usually four) is elected, who divide amongst themselves the powers and duties of local government. This is an attempt to remedy the defects of the Mayor-Council system and its attendant corruption; (c) the *Manager* system, the latest attempt to solve the problem, which treats local government as the running of a commercial business. An elected council appoints a professional " manager," who is largely responsible for the whole conduct of local government, subject only to remote control by the Council. The success of this system depends largely on the ability of the manager (usually an engineer by training) and the co-operation of the council. This system is also being tried in a few places outside the U.S.A., but usually only as an attempt to remedy the breakdown of an earlier system (as in Eire) by minimizing the human and democratic element and maximizing the technocratic.



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